University of London

REPORTS

FROM

COMMITTEES:

EIGHT VOLUMES.

—*(5.)*—

PATENT OFFICE AND READING CLERK (HOUSE OF LORDS) (MR. EDMUNDS' RESIGNATION OF OFFICES);

LEEDS BANKRUPTCY COURT.

Session

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N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

PATENT OFFICE AND READING CLERK (HOUSE OF LORDS) (MR. EDMUNDS' RESIGNATION OF OFFICES):

294. REPORT from the Select Committee of the House of Lords appointed to inquire into all the Circumstances connected with the RESIGNATION by Mr. EDMUNDS of the OFFICES of CLERK of the PATENTS and CLERK to the COMMISSIONERS of PATENTS, and with his RESIGNATION of the OFFICE of READING CLERK and CLERK of OUT-DOOR COMMITTEES in this House; and also into all the Circumstances connected with the GRANT of a RETIRING PENSION to him by this House; and to Report to the House; with the PROCEEDINGS of the COMMITTEE, MINUTES of EVIDENCE, APPENDIX, and INDEX - - - - - - - - p. 1

[Mem.—*The Papers forming the Appendices A. and E. to this Report will be found in the Paper ordered by the House of Commons to be printed, No.* 173, *Sess.* 1865, *Vol. XLIII.*]

LEEDS BANKRUPTCY COURT:

397. REPORT from the Select Committee appointed to inquire into all the Circumstances connected with the RESIGNATION of Mr. *Henry Sedgwick Wilde* as Registrar of the Court of Bankruptcy at *Leeds*; the granting him a Pension; the Appointment of Mr. *Welch* to the said Office; and whether he was to Resign his Appointment in favour of the Honourable *Richard Bethell*, and receive another Appointment in *London*; with PROCEEDINGS of the COMMITTEE, MINUTES of EVIDENCE, APPENDIX, and INDEX - - 413

Brought from the Lords, 11 *May* 1865.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

APPOINTED

To inquire into all the Circumstances connected with the Resignation by Mr. Edmunds of the Offices of Clerk of the Patents and Clerk to the Commissioners of Patents, and with his Resignation of the Office of Reading Clerk and Clerk of Out-door Committees in this House; and also into all the Circumstances connected with the Grant of a Retiring Pension to him by this House; and to report to the House;

WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
17 *May* 1865.

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REPORT.

BY THE SELECT COMMITTEE appointed "to inquire into all the Circumstances connected with the RESIGNATION by MR. EDMUNDS of the OFFICES of "CLERK of the PATENTS and CLERK to the COMMISSIONERS of PATENTS, and with "his RESIGNATION of the OFFICE of READING CLERK and CLERK of OUT-DOOR "COMMITTEES in this House, and also into all the Circumstances connected with "the GRANT of a RETIRING PENSION to him by this House, and to whom were "referred several Letters and Documents relating thereto (laid before the House "pursuant to an Order of Friday the 10th of March), and to report to the "House":—

ORDERED TO REPORT,

THAT the Committee have met, and having examined the Witnesses who appeared before them upon Oath (pursuant to an Order of the House of Tuesday the 14th of March), and having carefully considered the written and parol Evidence which has been produced, have agreed to the following Report:—

Mr. Edmunds was appointed Clerk of the Patents by Lord Chancellor Brougham in the year 1833 at a salary of 400 *l.* a year, out of which the expenses of the office were to be paid. After the passing of the Patent Law Amendment Act, Mr. Edmunds, in October 1852, was appointed Clerk to the Commissioners of Patents, consisting of Lord Chancellor St. Leonards, the Master of the Rolls, and the Law Officers of the Crown. He received for this office a salary of 600 *l.* a year.

In the month of July 1862 information was given to the Commissioners of Patents that a clerk in the Patent Office of the name of Smith had been guilty of embezzlement, and that he had been permitted to make good his defalcations, while the knowledge of his misconduct had been concealed from them. The Commissioners thereupon directed an inquiry to be instituted on the subject by Mr. Greenwood, Queen's Counsel, one of the Solicitors of the Treasury, who made a Report in January 1863. Before any final determination of the Commissioners upon this Report, Mr. Edmunds intimated to the Lord Chancellor that he wished to resign his offices; but he afterwards stated that he must defer his resignation because he could not obtain a full pension. The announcement of Mr. Edmunds' intended resignation suspended the proceedings of the Commissioners, and no further step appears to have been taken in this inquiry.

In March 1864 disputes arose in the Patent Office between Mr. Edmunds and Mr. Woodcroft, the Superintendent of Specifications, and charges were made by one against the other, principally relating to the management and conduct of the office, and the due subordination of the different officers. Mr. Edmunds, on the 10th March 1864, in a letter to the Commissioners of Patents, "courted and required the fullest inquiry "into every single point in his conduct of the affairs and business of the Patent Office, "from its first organization in 1852 to the present time;" and he claimed "a hearing "and the opportunity of disproving the charges and statements made by Mr. Woodcroft "against him;" and also "of proving the statements he had found it necessary to make "in respect of the conduct of Woodcroft." Mr. Edmunds suggested that the inquiry should be conducted by Mr. Johnson, the Solicitor to the Suitors' Fund; but the Lord Chancellor "thought it desirable that it should be conducted by persons of rather high "professional grade;" and having, with the sanction of the other Commissioners and of the Treasury, nominated Mr. Greenwood and Mr. Hindmarch, Queen's Counsel, for the duty, he mentioned their names to Mr. Edmunds, who said "they were very proper "persons, and that he had no possible objection to them." An order was accordingly issued by the Commissioners of Patents on the 3d May 1864, directing those gentlemen to make the inquiry, and in making it "to inquire into the charges against Mr. Edmunds, "and into those against Mr. Woodcroft."

Messrs. Greenwood and Hindmarch commenced their sittings early in the month of June. For the first three days there is no record of the proceedings except the private notes of Mr. Greenwood. The inquiry related chiefly to the manner in which the Vide App. E.

business of the Patent Office was conducted, and was carried on in a colloquial form, all the parties indiscriminately taking part in the conversation. On the third day, however, the examiners arrived at a knowledge of circumstances which, in their judgment, rendered it necessary that the inquiry should be conducted in a more regular and formal manner. Accordingly, a short-hand writer was employed, and his notes of the evidence given on the eight sitting days between 15th June and the 5th July have been laid before the Committee. From this time the inquiry was mainly directed to alleged malversation on the part of Mr. Edmunds, and a subordinate clerk, named Ruscoe, the principal witnesses being the accused parties themselves.

Vide App. E.

Before the conclusion of the inquiry Mr. Edmunds had been anxious to resign his two offices connected with the Patents. This appears from a letter written by the Lord Chancellor to the Master of the Rolls on the 24th June, in which he says, "Mr. Edmunds has come to me to state his great anxiety to resign immediately his two offices "of Clerk of the Patents and Clerk to the Commissioners. I am a little surprised at "this sudden and extreme anxiety. Are you aware of anything having been done by "Messrs. Greenwood and Hindmarch that may have led to it? Mr. Edmunds was "very anxious that I should sign the accompanying paper, which I declined to do until "you had seen it." The Master of the Rolls sent back the paper on the same day to the Lord Chancellor, stating, that "he thought it the very best thing that could be done to "allow Mr. Edmunds to resign, and that he, himself, should have signed the paper."

Vide Question 1858.

Acting upon this advice the Lord Chancellor endorsed the paper with a direction to Mr. Edmunds that it must be converted into a memorial, which having been done, the Lord Chancellor signed it, and it was sent in to the Treasury.

The Lord Chancellor believes that the memorial was in the course of being acceded to when Mr. Greenwood called upon him, and told him that there were "circumstances "of a very fearful character" which would be embodied in the Report of Mr. Hindmarch and himself, and that he thought it was absolutely requisite that all further proceeding upon that memorial should be stayed. The Lord Chancellor communicated with the Commissioners of Patents, and they being of that opinion he addressed a letter to the Lords of the Treasury requesting that his certificate appended to Mr. Edmunds' memorial might be considered as recalled; "that the certificate was given before the Lord Chancellor was informed of certain grave charges against Mr. Edmunds of misconduct as a "public officer, and which in the judgment of the Lord Chancellor must be strictly "examined before any retiring pension can be awarded."

On the 12th July Messrs. Greenwood and Hindmarch made a Preliminary Report, which they transmitted to the Lord Chancellor on the 14th July, unaccompanied by the evidence.

The Lord Chancellor having received the Preliminary Report, and having consulted with the Master of the Rolls and the Attorney General, two of the other Commissioners of Patents, Mr. Edmunds, on the 25th July, was summoned to appear before him and two of the Vice Chancellors on the 1st August to show cause why he should not be removed from his office of Clerk of the Patents upon four several charges founded upon the Report. These charges the Committee propose hereafter to deal with in the order in which they are stated in the summons.

On receiving the Preliminary Report and the order to attend the Lord Chancellor and Vice Chancellors, Mr. Edmunds consulted Mr. Leman as his solicitor, who stated in evidence, that as soon as he read the Report he advised Mr. Edmunds to resign his offices; he said "he thought it was a very highly coloured Report, and drawn up very "strongly against him, but that there were admissions which Mr. Edmunds had made, "and he certainly advised him to resign." Mr. Leman says that he saw the Lord Chancellor on Wednesday the 27th July, and asked him whether counsel would be allowed to Mr. Edmunds on his attending his Lordship and the Vice Chancellors, to which the Lord Chancellor replied "No." In this statement, however, he is contradicted by the Lord Chancellor, who says, "My distinct recollection is that no application was "made to me to do anything but to receive his resignation." Mr. Leman on the following day, the 28th July, called upon the Lord Chancellor, and told him that "Mr. Edmunds "was prepared to resign his office, and would undertake to satisfy the Treasury at once "upon all money questions."

The Lord Chancellor consulted the Master of the Rolls whether he approved of Mr. Edmunds being permitted to retire upon this condition, and his Honour gave it as his opinion that it might be done, and he stated to the Committee that "upon reflection "he thought so still." The Attorney General also thought that Mr. Edmunds might be permitted to resign, and that such permission would not prejudice any future proceedings against him.

The

The Lord Chancellor thereupon directed a letter to be written to Mr. Leman on the 29th July, informing him that "if Mr. Edmunds thought proper to surrender his "office of Clerk of the Patents forthwith, and also his office of Clerk of the Commis- "sioners of Patents, and would undertake forthwith to account for and pay over to "the Treasury all sums of money due from him as Clerk of the Patents, the pro- "ceedings on Monday next, the 1st August, would not be taken." Accordingly on the day following (the 30th July) Mr. Leman transmitted to the Lord Chancellor Mr. Edmunds' formal surrender of his offices, which the Lord Chancellor accepted only upon the assurance of Mr. Leman that the step was taken by his advice.

The duties to be performed by the Clerk of the Patents rendered it necessary to fill up that office immediately, and accordingly, at the request and upon the recommendation of the Lord Chancellor, a successor was appointed to the vacant office. No Clerk to the Commissioners of Patents has been appointed; and from the statements made by the Lord Chancellor and the Master of the Rolls, to the effect, that, "prac- "tically there are no duties attached to the office except applying to the Stationery "Office for the necessary stationery, and drawing up the annual report that is laid "before Parliament every year," that office will probably not be continued. Having stated the circumstances connected with the resignation of Mr. Edmunds of the offices of Clerk of the Patents and Clerk to the Commissioners of Patents, the Committee are compelled to express their regret that he was allowed to resign, and thereby withdraw himself from the impending inquiry before the Lord Chancellor and the Vice Chancellors. The Attorney General indeed stated that in his opinion it was desirable at once to remove Mr. Edmunds from his office, and that the acceptance of this enforced retirement was preferable to the delay which must have taken place in the inquiry. Notwithstanding this high authority, the Committee are still of opinion that the inquiry ought to have proceeded, and if the charges which Mr. Edmunds had been formally called upon to answer had been proved (as it will be presently seen that in the judgment of the Committee the principal part of them must have been) he should at once have been dismissed, leaving it open to future consideration whether ulterior proceedings ought to be taken against him.

Before entering on a detailed examination of these charges, it may be convenient to refer briefly to the proceedings which took place after the resignation of Mr. Edmunds. Having applied for and obtained time to answer the Preliminary Report of Messrs. Greenwood and Hindmarch, on the 20th September he sent in his statement in reply to that Report. Messrs. Greenwood and Hindmarch sent to the Lord Chancellor separate replies to Mr. Edmunds's statement, the first dated the 29th October, the second the 1st November. The former of these, but not the latter, was transmitted to Mr. Edmunds, who offered, on the 17th December, some "Remarks on the "Reply of Mr. Greenwood." In the meantime Messrs. Greenwood and Hindmarch had resumed their sittings on the 8th November, between which day and the 23d December they met six times. Mr. Edmunds, however, declined to appear before them. They made a Second Report, dated the 31st January last, containing additional charges against Mr. Edmunds, but which Report was not seen by him till the 6th February. He has given some explanations with respect to this Second Report, which, however, it will be convenient to postpone for the present, and to proceed at once to consider to what extent the serious charges brought against him appear to the Committee to be substantiated.

Vide App. A.

The first charge is, "for having between the 23d day of August 1853 and the present "time, in concert and combination with Thomas Ruscoe, improperly caused to be obtained "and applied partly to his own use and partly to the use of the said Thomas Ruscoe, "allowances of discounts to a large amount upon the prices of stamps purchased from Her "Majesty's Stamp Office, for use in Her Majesty's Patent Office, such stamps having "been purchased with public monies, for which he or the said Thomas Ruscoe to his "knowledge was accountable to Her Majesty."

The discovery of the fact of Mr. Edmunds having obtained these discounts seems to have been one of "the more serious matters relating to the conduct of Mr. Edmunds" (to use the language of the Preliminary Report), to which the attention of Messrs. Greenwood and Hindmarch was unexpectedly drawn during the early part of their inquiry. They express their opinion "that the taking discounts on stamps, by a public "officer, is a novel practice, introduced by Mr. Edmunds into the Patent Office." The practice itself, however, seems from the evidence of the Master of the Rolls not to be so novel as Messrs. Greenwood and Hindmarch suppose; his Honour said "there is great "difficulty upon the whole question of discounts. Even now, upon applying to the "Stamp Office with respect to the mode of paying for the stamps upon Patents, I

"understand that the Stamp Office say that the better way is to allow one of the "officers in the department to take the discounts." And Mr. Greenwood in his reply to Mr. Edmunds's statement says "no such practice (of taking discount on stamps) was "objected to by us; what we objected to was the practice of buying stamps at whole-"sale prices with the public money, and putting the profit into the private pocket of a "public salaried officer."

In considering this charge it is necessary, therefore, to distinguish that part of it which depends upon the mere fact of taking the discounts, from that which relates to the alleged application by Mr. Edmunds of public money to this purpose.

In order that this latter ground of charge may be clearly understood, it is necessary for the Committee to offer a few explanatory observations. It appears that Mr. Edmunds kept two separate accounts at his bankers, Messrs. Coutts & Co. One was his own private account, and another, headed "Patent Office account," was opened on the 20th September 1833, and consisted entirely of monies received for fees and stamps in one or other of the two branches of Mr. Edmunds's office, viz., in the Patent Office proper, and in the Office of the Commissioners of Patents, and also of monies advanced half-yearly by the Treasury, upon his requisition, for the current expenses of the Commissioners office. The sums thus paid into this account (except those for the current expenses of the office) ought to have been paid from time to time into the Exchequer, the Suitors' Fund, and certain other offices. Mr. Edmunds, in his answer to the Preliminary Report, says that he "ear-marked" all these sums by causing them to be carried to the special account with the heading "Patent Office account," and thus, as far as was possible, impressed upon them the character of public money. It must be observed, however, that Mr. Edmunds himself states that neither the Treasury nor the Audit Office were aware of this account, nor does the existence of it appear to have been known to any one except Mr. Edmunds and his bankers, and, therefore, although the heading of the account was a continual notice to Mr. Edmunds that it consisted of public money, it operated as no check to his dealing with it in whatever manner he pleased. It is admitted by Mr. Edmunds that from this "Patent Office account" he drew, on the 23d October 1853, a sum of 500 *l.* for the purchase of stamps, in favour of Mr. Ruscoe, a clerk in the Patent Office, with whom Mr. Edmunds had entered into an agreement to share the discounts. This advance of 500 *l.* was repaid by Ruscoe on the 8th August 1863, by a cheque in this form,—"Pay Leonard "Edmunds, Esq., or bearer, return of advance for stamps in 1853, and discount on do. "up to 30th June 1863. Six hundred pounds."

This sum of 500 *l.*, which Mr. Edmunds acknowledges to have been public money, was paid into his private account, and was not returned to the "Patent Office account" until June 1864, nearly 11 years after it had been drawn out, and then not in the exact amount of 500 *l.* so as to "ear-mark" it, but as forming part of a sum of 993 *l.* 13 *s.* 1 *d.* It cannot escape observation, too, that this repayment was made in the very month in which the inquiry by Messrs. Greenwood and Hindmarch commenced. Mr. Leman in his evidence stated that at his first interview with the Lord Chancellor on the 27th July he said that he thought there was nothing in the charge relating to the discounts, and that the attention of Mr. Edmunds need not to be drawn to it. The Lord Chancellor stated that he had no doubt what he did say was, "that the mere taking of discounts, if the "money was properly obtained for the purpose, was a comparatively innocent thing, and "that he would not make it the subject of charge." It is highly improbable that the Lord Chancellor, in speaking of the charge relating to the discounts, should have meant to refer to the application of public money for the purpose of obtaining the profit as a matter not deserving of attention. It might very well be, that as there was a distinct charge against Mr. Edmunds of applying "divers sums of public money to his own use," the Lord Chancellor might have overlooked the fact that the latter part of the first charge related to the misappropriation of public money, and might have regarded it as confined entirely to the "allowances of discounts."

The Committee are of opinion that so much of the first charge as relates to the purchase with public monies of stamps upon which allowances of discounts were obtained by Mr. Edmunds is fully established by the evidence.

The second charge preferred against Mr. Edmunds is, "For having improperly retained "in his hands or under his control, between the 9th August 1852 and the month of July "1864, without duly paying the same over into Her Majesty's Exchequer, divers large "sums of money received by him for fees on Patents, which ought to have been from time "to time during that period paid by him into Her Majesty's Exchequer."

Very little need be said on this head of charge, because it is distinctly admitted by Mr. Edmunds that the last payment which he made to the Exchequer before the inquiry by

by Messrs. Greenwood and Hindmarch was of a sum of 1,722 *l.* 1 *s.* on the 9th August 1852. He says that "by accident, certainly not by design, he, unfortunately, within "the year 1853, did not pay over any sum to the Consolidated Fund. Finding that "out in the following year,—in what may be called the most absurd cowardice,—he "intermitted and made no subsequent payments." It is difficult to understand how the nonpayment could have arisen in the first instance by accident. On the 14th May 1834 the Treasury, on receipt of a letter from Mr. Edmunds of the 26th April preceding, sent him the form of an affidavit prescribed for all the officers of the courts of law, by whom accounts of the receipt of fees are rendered, and requiring his affidavits to be made in that form. Mr. Edmunds says he is quite certain he never received any such order, and yet, the very next payment which he made after the date of the Treasury letter in August 1834 was verified by affidavit in the form thus prescribed by the Treasury, and the affidavit with the account was transmitted to the Treasury and there filed. From that time no affidavits were sworn by Mr. Edmunds, but forms of affidavits were prepared quarterly by Ruscoe and delivered to him; and during the time that he continued to make his payments to the Exchequer, he endorsed upon them the sums to be paid. From the time that he suspended his payments he appears to have paid no attention to the affidavits, although they were regularly delivered to him. The delivery of the affidavits to Mr. Edmunds is distinctly shown in the Preliminary Report of Messrs. Greenwood and Hindmarch, which states that they, having prepared an account of sums payable to the Consolidated Fund in each of the years beginning at 1852 and ending in 1864, Mr. Edmunds "admitted the account to be correct, and that "Mr. Ruscoe sent to him a formal account and affidavit to be sworn as directed by the "Statute 3 & 4 W. 4, c. 84, in respect of each of the items." Vide App. A.

There can be no doubt, under the above circumstances, that the second charge is fully proved against Mr. Edmunds.

It might have been considered as some mitigation of the serious misconduct on the part of Mr. Edmunds, if the fact had been that the money paid into the Patent Office account had remained untouched, though unaccounted for, during so many years; but that this was not the case will appear in considering the third charge, to which the Committee now proceed.

The third charge is "For having from time to time improperly caused to be transferred "to the credit of his private account with Messrs. Coutts & Co., bankers, from a separate "account kept by him with the same bankers for the public purposes of Her Majesty's "Patent Office, and having applied to his own use divers sums of public money for "which he was accountable to Her Majesty."

It is unnecessary to enter into a detail of the different sums which from time to time were transferred from the Patent Office account to Mr. Edmunds's private account, because he admitted that after he began the practice of borrowing (as he called it) from the Patent Office account, the balance on that account never represented the amount that was due from him to the public. In their Preliminary Report Messrs. Greenwood and Hindmarch state an amount of sums payable to the Consolidated Fund, and not paid, amounting to 2,681 *l.* 19 *s.* 2 *d.*, which account was shown to Mr. Edmunds and admitted by him to be correct. But the "Patent Office account," on the 14th May 1864, exhibited a balance to the credit of Mr. Edmunds of 4,896 *l.* 4 *s.* 11 *d.* This sum, however, was far from representing the amount which was due from him. For no further sums having been carried to this account after the day mentioned, and an accountant having been employed by Mr. Edmunds to ascertain the exact sum due from him, it was found that instead of the amount which he ought to have paid into the Exchequer being 2,681 *l.* 19 *s.* 2 *d.*, the sum which Messrs. Greenwood and Hindmarch believed to be the deficiency in Mr. Edmunds's payments, or 4,896 *l.* 4 *s.* 11 *d.*, the balance of the Patent Office account, there was due from him the sum of 7,872 *l.* 5 *s.* 6 *d.*, which he acknowledged by paying that amount into the Bank of England on account of Her Majesty's Exchequer on the 23d September 1864. Mr. Edmunds stated in his evidence that about 2,500 *l.* was the whole amount which he "borrowed" from the Patent Office account from the beginning to the end. This sum, however, does not tally with the difference between the balance of the Patent Office account and the amount which he admitted to be due and paid in September. Mr. Edmunds was asked where the money was lying which enabled him to pay this difference? and he answered, that it was money which he gave to Mr. Leman in 1845, in the first instance to invest, but that he left it with him as a friend, and he paid interest for it.

Upon the above facts the Committee cannot hesitate to come to the conclusion that the third charge is completely established against Mr. Edmunds.

The fourth and last charge is "For having improperly retained in his hands, until some time after the same had been made the subject of inquiry by Her Majesty's Commissioners of Patents, a sum of 399 *l.* 7 *s.* 4 *d.*, part of a sum of 749 *l.* 7 *s.* 4 *d.* paid by or on behalf of one J. S. Smith, a clerk lately employed in Her Majesty's Patent Office, for the purpose of making good public monies in the said Patent Office, which had been by the said J. S. Smith improperly applied to his own use."

Vide App. A. Messrs. Greenwood and Hindmarch in their Preliminary Report state that when it was first discovered that Smith had embezzled 749 *l.* 7 *s.* 4 *d.* Mr. Edmunds called upon the other officers and clerks in the Specification Division to make good the amount. That they raised the whole amount and paid it to Mr. Edmunds. That of this sum he paid over only 350 *l.* to Mr. Ruscoe for the current expenses of the office. That three times he passed his accounts with the Treasury, and as often omitted to give credit for the money thus withheld. That in July 1863 he sent round a statement to the Commissioners stating simply that he had forgotten the money. That by the light of subsequent inquiries they are constrained to disbelieve him, and to believe that he intended to spend it as he pleased with the bulk of the other monies that he had withheld.

Mr. Edmunds states in answer to this charge that no clerk ever contributed to Smith's defalcations. That the greater part of the sum of 749 *l.* 7 *s.* 4 *d.* was raised by Mr. Cunliffe, a solicitor, on Smith the defaulter's property. That the money thus obtained being insufficient, Mr. Duffield, one of the clerks who was to blame in the matter, lent Smith 43 *l.*, and Mr. Edmunds himself lent him 76 *l.* to make up the requisite amount. That on the 15th May 1861 he received the 749 *l.* 7 *s.* 4 *d.* by a cheque of Mr. Cunliffe's, which cheque was immediately paid to the credit of the Patent Office account. That the sum thus paid represented monies received on account of sales of Specifications which since the sales began in 1855 had been paid over by Mr. Duffield to Ruscoe and applied by him under Mr. Edmunds's directions towards defraying the incidental expenses of the Office. That on the 17th July 1861 he gave Ruscoe a cheque for 350 *l.* towards the current expenses for the half year ending 30th June 1861, reserving the balance to be used in payment of the expenses during the following current half year ending 31st December 1861. That he left London in August 1861 and that from that time till November 1862 the balance of 399 *l.* 7 *s.* 4 *d.* wholly escaped his memory. That although between July 1861 and November 1862 he had examined the drafts of accounts ending the 31st December 1861 and 30th June 1862, he had no occasion to refer to the account ending the 30th June 1861, in which the 350 *l.* was credited, and there was nothing in the other accounts to draw his attention to this balance.

The Committee are willing to give Mr. Edmunds credit for the truth of his statement, that he had forgotten this sum of 399 *l.* 7 *s.* 4 *d.* And in that case, as the charge of improperly retaining the money in his hands must be intended to allege that he wilfully and intentionally did so, they consider that this charge has not been substantiated.

In the course of the investigation into the charges against Mr. Edmunds, the Committee were at a loss to understand how it could have happened, that after he had been making payments into the Exchequer for many years, down to August 1852, he should suddenly have discontinued his payments, and for 12 years afterwards neither have paid over nor even accounted for the public money in his hands, and yet no notice whatever should have been taken of his default. The Committee, therefore, were desirous of being furnished with some information as to the audit to which Mr. Edmunds's accounts ought to have been subjected. They were accordingly attended by the Chancellor of the Exchequer, and by Mr. Hamilton and Mr. Arbuthnot from the Treasury. These witnesses stated that in their opinion there was no check whatever upon Mr. Edmunds in his office of Clerk of the Patents. That the 7th section of the 3 & 4 Will. 4, c. 84, requires (amongst other officers) the Clerk of the Patents to account for the fees and emoluments received by him once every three months, and to pay them into the Exchequer; and it enacts "that the account of the party so "paying such fees shall be verified by his oath, which oath any one of the Masters "in Ordinary of the High Court of Chancery is hereby required and authorized to "administer." But the Chancellor of the Exchequer said "he imagined that no audit "was provided by the Act, and that there would be no check beyond that of the oath of "the Clerk of the Patents, and even that would be liable to this observation, "that it was not made by the Act the duty of any person to see that the clerk "took the affidavit." It appears to have been discovered in the case of the Clerk of the Crown in Chancery, who is comprised in the Act of 3 & 4 Will. 4, c. 84, that the provisions of the Actwere wholly insufficient, and a subsequent Act, the 5 & 6 Will. 4. c. 47. s. 5., was passed, which requires that officer to account for his fees to the Treasury in such form and manner as they shall direct. It is unfortunate that when this

this defect in the Act was found to exist in respect to one of the officers mentioned in it it was not discovered that it extended equally to the Clerk of the Patents, that so similar protection to the public might have been provided against his defalcations. It appears from the statement of the Chancellor of the Exchequer, that unless some change has been introduced as to the accounting of the Clerk of the Patents (of which he is not aware), it is "a true description of that officer, that he may hold in his hands "just as much public money as he thinks fit, and pay it if he thinks fit, and if he pay "nothing at all there are no means of calling him to account for such non-payment," The Chancellor of the Exchequer also stated that, "as regards the custody of money "and accounting for money, the present state of the law is very deficient indeed, not "with respect to the great branches of revenue, but with respect to the miscellaneous "heads of receipt, relating to a great variety of funds which come into the hands of "public officers without belonging to the public." This deficient state of the law should not be allowed to continue, as it not only imperils the custody of public money, but offers to various persons employed in the public service temptation to misconduct.

Having thus disposed of the charges against Mr. Edmunds arising out of the Preliminary Report of Messrs. Greenwood and Hindmarch, the Committee, in order that all the circumstances connected with the conduct of Mr. Edmunds in his offices of Clerk of Patents and Clerk to the Commissioners of Patents, which were known at the time of his resignation of his office of Reading Clerk and Clerk of Out-door Committees, may be before the House, will shortly refer to the Second Report which was presented to the Lord Chancellor and the Commissioners of Patents on the 31st January last, and to which allusion has been already made. This Report finds that, after giving credit for the 7,872*l.* 5*s.* 6*d.*, Mr. Edmunds is still liable to pay to the Consolidated Fund and to the Suitors' Fee Fund a sum of 9,617*l.* 15*s.* 4*d.* In this Second Report Messrs. Greenwood and Hindmarch say, "As showing the character "of Mr. Edmunds, it is worthy of notice that he charged a commission or per-centage "of 2½ per cent. upon the fees collected by Mr. Ruscoe for the Clerk of the Hanaper, "and in that way obtained for his own use about 100*l.* a year, for which he literally "did nothing." It appears, however, from the statement of Mr. Edmunds, that he received the fees of the Clerk of the Hanaper gratuitously for 12 years, and that at the end of that time they had increased so considerably, that he refused to incur the responsibility any longer; upon which the Deputy Clerk of the Hanaper, acting for his principal, asked Mr. Edmunds as a favour to continue to receive the fees, and offered to allow him the per-centage to which the observations of Messrs. Greenwood and Hindmarch apply. Amongst the items charged against Mr. Edmunds as having been withheld from the public is an alleged deficiency in payments to the Suitors' Fee Fund, amounting to 560*l.* 7*s.* 10*d.* The greater portion of this balance consists of two sums of 171*l.* 3*s.* and 296*l.* 13*s.* 6*d.*, amounting together to 467*l.* 16*s.* 6*d.* These sums were actually paid in by Mr. Edmunds to the Accountant General, but in consequence of being blended with other sums not payable in respect of the Patent Office, they were not discovered until after the Second Report, when a communication of the fact having been made to Messrs. Greenwood and Hindmarch, they by a supplemental Report acknowledged the mistake, and reduced the balance against Mr. Edmunds by the amount of those payments.

This balance is partly made up of alleged short payments of monies due to the Consolidated Fund and to the Suitors' Fee Fund.

Mr. Edmunds wholly denies his liability beyond the sum which he has paid, but whether that sum covered all that was due from him can only be ascertained by a thorough investigation of his accounts; and the Committee do not feel that they are possessed of sufficient information to enable them to offer any opinion as to the probable result of such an investigation.

The principal part of the balance claimed in this Second Report consists of two items, one a charge of 5,131*l.* 13*s.* 6*d.*, the "amount of discounts taken for the private use of "Messrs. Edmunds and Ruscoe for stamps purchased with public money;" the other a sum of 3,033*l.* 16*s.*, "the aggregate amount of sums of 12*s.* 10*d.* per skin, abstracted "from the monies received in the office for account of the public."

With respect to the item as to discounts, the Committee have already stated that the Lord Chancellor considered it to be unnecessary for Mr. Edmunds to defend himself against this charge, so far as it related to the mere fact of taking the discounts; and in a letter to the Master of the Rolls of the 29th July 1864, announcing his consent to Mr. Edmunds surrendering his offices of Clerk of the Patents and Clerk to the Commissioners of Patents, upon his undertaking to account for and pay to the Treasury all sums due from him, his Lordship adds, "Under these circumstances no account to be

" taken of profits by discounts received by Mr. Edmunds ; " and in this view the Master of the Rolls entirely concurred. The Committee, however, abstain from expressing any opinion of their own upon a matter which may be the subject of future investigation.

With respect to the charge relating to the skins, it appears that until the year 1845 the payments for the parchment on which Patents were engrossed were included in the expenses of the office with which the salary of the Clerk of the Patents was charged. In that year the number of Patents having so largely increased that the price to be paid for the skins would have absorbed the whole of the salary, Mr. Edmunds states that he gave Mr. Ruscoe orders to make a charge for them on the Patentees. Mr. Ruscoe, on the other hand, says that he was directed to charge the price of the skins to the Suitors' Fee Fund. Whichever statement is correct, the fact is, that from the year 1845 the 12*s.* 10*d.* for each skin of parchment was deducted from the money paid over to the Fund. Mr. Edmunds was certainly not justified in altering his practice of paying for the skins himself, and directing them to be charged either to the Suitors' Fund or to the Patentee, without proper authority. But he could hardly, upon this ground alone, be made to repay the money to the Fund if he were not originally liable to provide the skins as part of the expenses of the office. Now the cost of the parchment on which the Patent is written seems to fall naturally upon the Patentee ; at all events, it never could have been intended to be a charge upon the Clerk of the Patents, because if it were to be borne by him it would leave him without any remuneration.

The Committee have thus presented the whole case against Mr. Edmunds in respect of his accounts and transactions in the Patent Office.

Besides his appointment in the Patent Office, Mr. Edmunds held the office of Reading Clerk and Clerk of Out-door Committees in the House of Lords, to which he was appointed by Lord Cottenham on the 13th March 1848.

The Committee now proceed to consider the circumstances connected with the resignation of that office.

At the time when Mr. Edmunds proposed to surrender his offices of Clerk of the Patents and Clerk to the Commissioners of Patents he was informed by letter of the 29th July 1864, that " the Lord Chancellor would take the opinion of Lord Cranworth and " Lord Kingsdown as to the course which, under all the circumstances of the case, it " would be the duty of his Lordship to adopt with reference to the office of Reading " Clerk and Clerk of Private Committees held by Mr. Edmunds in the House of Lords."

In the letter of Mr. Leman of the 30th July, accompanying the surrender of the offices connected with Patents, he expressed Mr. Edmunds's hope that the Lord Chancellor would think it right not to take the opinion of Lord Cranworth and Lord Kingsdown until after his Lordship was in possession of and had considered his (Mr. Edmunds's) answer to the Report of Messrs. Greenwood and Hindmarch. The Lord Chancellor did not yield to this application, but on the 1st August 1864 he sent to Lord Cranworth and to Lord Kingsdown a copy of the Preliminary Report of Messrs. Greenwood and Hindmarch as " an admitted statement," with a letter in similar terms to each, requesting their Lordships to favour him with their opinion, " whether it was consistent with his duty to " the House of Lords to allow Mr. Edmunds to remain an officer of the House." Lord Cranworth in reply, on the 3d August, expressed an opinion " that Mr. Edmunds ought " to be called on to show cause why he should not be removed on account of the charges " contained in the Report ;" and in a letter to the Lord Chancellor of the 12th August, he said, " My opinion was and is that for any misconduct in his office of Clerk of the " Patents amounting to dishonesty (and the applying public money to his own use is " *primâ facie* dishonesty), he ought to be removed from his office of Clerk at the table " of the House. There might be neglect, or perhaps even delinquency, to some extent " in his office of Clerk of the Patents which might be of a nature not to compel, or even " to justify, his removal from another office. All this will have to be considered " attentively when he is called on to show cause why he should not be removed from " his office of Clerk in the House of Lords." Lord Kingsdown's answer, dated the 8th August, 1864, is in these terms, " I find that Lord Cranworth has already written " to you and suggested some further opportunity of defence being given to the accused. " If this be given it would be premature in the meantime to give a judgment. But I " cannot doubt that on the Report of Mr. Greenwood and Mr. Hindmarch (unless a " very different face should be put upon the facts by further inquiry) it would be " inconsistent with your duty to permit Mr. Edmunds to remain an officer of the " House of Lords, assuming as I do (not having the Act to refer to) that you have the " power to remove him for misconduct not connected with his office." The Lord Chancellor stated in his evidence that " he told Mr. Edmunds through Mr. Leman " on the 8th August that he should have a full opportunity of making his " defence.

" defence. When that defence was completed, he intended to transmit it to Lord " Cranworth and to Lord Kingsdown, and to leave the adjudication on the inquiry " wholly and entirely in their hands." Upon the application by Mr. Leman for an extension of time for completing Mr. Edmunds's answer to the allegations and charges in the report until the 20th September " that delay was granted, and on " the day named Mr. Edmunds's statement in reply to the Preliminary Report was " delivered to the Lord Chancellor." This statement was not sent either to Lord Cranworth or to Lord Kingsdown. The Lord Chancellor was originally of opinion, and he so remained till the month of November, that the power of dismissal from the office of Reading Clerk rested with him. Having then, for the first time, been informed of the provisions of the Statute with regard to the office, he personally told Lord Cranworth and Lord Kingsdown that he had " discovered that the duty lay with the House of " Lords, and that he should, therefore, relieve them from the very painful duty he " had asked them to undertake." The Lord Chancellor states that he " deliberately " abstained from himself examining into the character of the defence which Mr. Ed- " munds had made, and into the subsequent rejoinder of those who acted (as he might " say) for the prosecution, because he had determined neither to form or express an " opinion. Whatever he had to do he determined should be done under the judgment " and direction of Lord Cranworth and Lord Kingsdown."

Mr. Leman, who, at this time, acted as the solicitor of Mr. Edmunds, had also, for many years, been the confidential solicitor of Mr. William Brougham and his family. In the month of August 1864 Mr. Leman wrote to Mr. William Brougham, requesting his advice and assistance in Mr. Edmunds's affairs. Mr. William Brougham accordingly saw Mr. Leman, and heard from him of the inquiries before Messrs. Greenwood and Hindmarch, and of the discovery which had been made of large sums being due by Mr. Edmunds to the Treasury which he had not paid or accounted for. He afterwards so far assisted Mr. Leman in preparing for Mr. Edmunds a reply to the charges which appeared against him in the Report of Messrs. Greenwood and Hindmarch as to " go over it line " by line, and strike out several expressions which seemed to him personally offensive to " them." Mr. William Brougham had been for many years upon the most intimate terms with Mr. Edmunds, but although, in the month of October, they had become unfriendly, yet Mr. William Brougham (wishing, as Mr. Leman stated, " to stop inquiry into the " conduct of Mr. Edmunds,") took upon himself to interfere on Mr. Edmunds's behalf, and to write a letter to the Lord Chancellor, in which he said, " If you think, looking at " all the circumstances of the case, that Mr. Edmunds's wisest course is to resign and " petition the Parliament Office Committee to be allowed to retire on a pension, and if " you will do what you can to help him to a pension, I will advise him to resign."

The Lord Chancellor, in answer to Mr. William Brougham, wrote a letter of the date of the 29th October, marked " Private," which, however, having previously received evidence of its contents, the Committee required to have produced to them, and which contains the following passages :—" I cannot offer any opinion on the subject of " Mr. L. Edmunds's case. All that I can say is that if he thinks proper to resign, " I will do all that I can with propriety to obtain for him a pension ;" and in a P.S. he adds, " I can with truth certify that Mr. E. has properly discharged all the duties of the " offices he holds in the House of Lords." At this time the Lord Chancellor states that he was under the impression that the application for a pension should be made to the Treasury, and that a certificate from himself would be required.

On the 4th November Mr. Leman called upon the Lord Chancellor, in his room at Lincoln's Inn, in compliance with a request to that effect which he had received from his Lordship's secretary. Mr. Leman states that, at this interview, the Lord Chancellor told him that he had received a letter from Mr. William Brougham in which he had suggested a resignation. Mr. Leman said to the Lord Chancellor, " That letter, my Lord, was " written without the concurrence of either Mr. Edmunds or myself, and he had no " authority for writing to your Lordship in the way he did." Mr. Leman says " that the " Lord Chancellor had requested him to call upon him for the purpose of communicating " the letter to him." The Lord Chancellor says that " his object in having this interview " with Mr. Leman was to know whether the matter should proceed for the purpose of a " judicial inquiry before Lord Cranworth and Lord Kingsdown or not. That as far as " he recollected Mr. Leman expressed great surprise at being told that Mr. Edmunds had " been recommended or urged to resign, and the matter there ended."

Mr. Leman states further that on the 8th November he had a second interview with the Lord Chancellor. The Lord Chancellor, in his evidence before the Committee, after having had read to him Mr. Leman's statement of what occurred at this interview, said, " I have not the smallest recollection of anything of the kind having occurred. I think

" it is impossible it could have occurred in consequence of what passed on the 4th of " November." On a subsequent day, however, Mr. Leman appeared and produced a letter from the Lord Chancellor's Secretary, dated the 7th November 1864, fixing a meeting with the Lord Chancellor for the next morning. Mr. Leman says that the conversation with the Lord Chancellor on this occasion began in the same way as that on the former day by referring to Mr. William Brougham's correspondence, and that " the Lord Chan- " cellor distinctly told him that if Mr. Leonard Edmunds would resign his place he would " throw no obstacle in the way of his obtaining a pension." After the 8th November Mr. Leman did not see the Lord Chancellor again until the 4th February. In the meantime the Lord Chancellor found that he was mistaken in supposing that he had the power of discharging Mr. Edmunds, and that he had been misinformed as to the authority to grant the pension which he had thought, up to that time, was with the Treasury in the ordinary way. He had not been aware of the practice of the House or of the House having a fund at its disposal for such a purpose, neither was he aware of the constitution or functions of the Committee called the Parliament Office Committee." The Lord Chancellor says that, upon receiving full information on these subjects, the course he took was this: he consulted the Government, and put to the Government precisely the same question that he had put to Lord Cranworth and to Lord Kingsdown. " That the Cabinet " were of the same opinion as Lord Cranworth and Lord Kingsdown, viz., that it was " his duty to bring the matter before the House of Lords." Acting upon this opinion, the Lord Chancellor directed a letter to be written to Mr. Leman on the 21st December 1864, in which he was informed that " the course that his Lordship determined to adopt " with respect to Mr. Edmunds was to lay upon the table of the House at the commence- " ment of the session the charges which have been presented to him affecting Mr. Edmunds, " and the answers Mr. Edmunds has given thereto, and then to move the House of Lords " for a Select Committee to take the subject into its consideration."

On Saturday the 4th February Mr. Leman, who had frequently recommended Mr. Edmunds to send in his resignation, had another interview with the Lord Chancellor at his Lordship's house. He took with him the following paper signed by Mr. Edmunds:

" L. E. proposes to resign the office of Reading Clerk in the usual manner, viz.: a petition to the House to grant him the usual retiring allowance to which he is entitled for his services.

" That the petition will be presented on Tuesday, at the meeting of the House.

" To ask the Lord Chancellor under these circumstances not to move for the Special Committee, or at least to postpone such motion.

" 4th February 1865. L. E."

Mr. Leman states that he handed this paper to the Lord Chancellor to read, and that he read it, and said, " If the resignation take place between this and Friday, " I will throw no obstacle in the way of the pension." Mr. Leman then said to the Lord Chancellor, " My Lord, would your Lordship object to Mr. Edmunds " taking his seat in the usual way at the table of the Lords?" He said, " I " shall take no notice of it if he does." The Lord Chancellor's recollection of the conversation with Mr. Leman upon this day is that " he stated most distinctly to " Mr. Leman that he thought the resignation was the best thing Mr. Edmunds could " do, that it would relieve him from the duty imposed upon him of being Mr. Edmunds's " accuser, and that he would throw no obstacle in the way of his having a pension. " That he told him so distinctly, but his Lordship thinks with this addition, that he " should not feel that he was under any obligation to pursue Mr. Edmunds before a " Parliamentary Committee." His Lordship further stated to the Committee " that " he would not have proceeded at all unless he had been told that his public duty " required it. That was the question that he put to Lord Cranworth and Lord Kings- " down. That he would not have proceeded at all if the Cabinet had not told him " that it was his duty to do so. But that duty was only to take care that in the " face of these charges Mr. Edmunds should not remain an officer of the House of " Lords. That whether he was right or whether he was wrong, the rule he laid down " to himself was this, that while he remained an officer, it being his duty to bring the " charges before the House of Lords, he must do so; but when he ceased to be an " officer, he thought he had no longer any such duty." His Lordship further said, " Now that is the only time when I had any conversation with Mr. Leman about a " pension. What I told Mr. Leman was exactly what he says, that I would throw " no obstacle in the way of the pension. I never held out to Mr. Leman or to any " individual in any manner, direct or indirect, that I would do anything beyond being " passive and silent until I was called upon." On the 6th February Mr. Leman wrote

wrote a letter to the Lord Chancellor's Secretary, in these words: "Will you have the "goodness to request the Lord Chancellor to postpone any motion in the House of Lords "till Monday or Tuesday, instead of Friday. I am desirous of having a further com- "munication from Mr. William Brougham, or Lord Brougham, (who were then at "Cannes,) before anything is done in the House of Lords; and I cannot depend on "getting a reply to my letter by Friday." To which the Secretary answered on the same day, "The Lord Chancellor desires me to say that he is willing to postpone "action in the House until Monday next (the 13th February), but his Lordship cannot "approve of Mr. Edmunds attending the House in the interval, so that you had better "take care that he does not do so." Mr. Leman states that he had the greatest difficulty to persuade Mr. Edmunds to resign at all. That he did not finally make up his mind to resign his office until the 13th February, and he did so in consequence of what the Lord Chancellor said in an interview which Mr. Leman had with him on that day. There was some doubt at first as to the exact time of the day at which this interview took place, but Mr. Leman afterwards cleared it up by reference to his own memoranda, and fixed it to have been between 1 and 2 o'clock. He says that the "Lord Chancellor told him that he had consulted the Government, and that if "Mr. Edmunds's resignation was not in Sir John Lefevre's hands by 4 o'clock on the "following day, he would move for the Committee and lay the Reports on the table of "the House of Lords." Mr. Leman says his impression is that Mr. Edmunds was wavering as to his resignation until he told him what the Chancellor had said at this interview. Upon his at last consenting to resign, his petition was prepared in the usual form, and sent by Mr. Edmunds to the Lord Chancellor on the 14th February, with a letter in these words: "I respectfully request your Lordship to present to the "House of Lords the enclosed petition, expressing my wish to retire from the offices "of Reading Clerk and Clerk of Private Committees, and praying their Lordships to "grant me such retiring allowance as their Lordships may think fit." The Lord Chancellor says that he received the petition just as he was taking his seat on the Woolsack. That the petition was presented by him, assuming it to be a common petition for resignation, and that he did not advert to the fact when he presented it that it contained a prayer for a pension. "But," his Lordship adds, "I am bound to "say this, that if I had observed that, I should have presented it notwithstanding." It will not have escaped observation that there is a material difference in the statements of Mr. Leman and of the Lord Chancellor, as to the promise made by his Lordship with respect to the pension. Both agree as to the words used, that the Lord Chancellor "would throw no obstacle in the way of the pension;" but Mr. Leman states that on each occasion the terms of the Lord Chancellor's assurance were "if Mr. Edmunds would "resign, he would throw no obstacle in the way of his pension;" while the Lord Chancellor says that when it was communicated to him that Mr. Edmunds intended to resign, then he did, as Mr. Leman says, voluntarily and of his own accord say, "I will "throw no obstacle in the way of his having a pension."

The Lord Chancellor has stated to the Committee that after the tender of Mr. Edmunds's resignation, it was no longer his intention to lay the papers on the table, and that they would not have been laid before the House, if public attention had not been drawn to the subject out of doors. And his Lordship added, "I beg the Committee "for a moment to understand that from the beginning to the end I have acted upon this "principle, that I would do nothing against Mr. Edmunds but what public duty required. "I asked Lord Cranworth and Lord Kingsdown whether my duty required his discharge "if the alleged facts were true, they said 'yes'; then I directed the inquiry to go "on; when I found that the House of Lords was the tribunal, I asked the Cabinet, is "it my duty to bring it before the House of Lords? not whether I was justified in "doing it, but is it my bounden duty to do it? they said 'yes,' but that was only in "order that the House of Lords might no longer have that officer, and when that "officer retired, I then determined for myself, rightly or wrongly (I take all the "responsibility of it), that I would not interfere actively to prevent his having a "pension."

The Committee cannot coincide with the Lord Chancellor in the view thus taken by him of his public duty. In their opinion it was incumbent on him, who presented the petition of Mr. Edmunds to the House of Lords, in some manner to have apprized the Parliament Office Committee of the circumstances under which the resignation of Mr. Edmunds of the clerkship had taken place, and with which the Lord Chancellor was officially acquainted, and not to have left them to decide the question of a pension with no clearer light than that which could be derived from vague and uncertain rumours. The Committee have, however, no reason to believe that the Lord Chan-

cellor was influenced by any unworthy or unbecoming motives in thus abstaining from giving any information to the Committee. The Committee have examined the Chairman of Committees as to the knowledge by the members of the Select Committee (which he attended) of any circumstances which might disentitle Mr. Edmunds to a pension. He stated that there was "a general knowledge, or a general impression "on the part of most of the members of the Committee, that in consequence of "certain pecuniary transactions in which Mr. Edmunds had been concerned in the "Patent Office he had resigned his appointment in it." "But" (he added) "the petition "was presented to the House without observation, and no order was made directing "the Committee to inquire into it. We had only the facts stated in the petition "which was referred to us, and upon those facts we had to inquire what pension "Mr. Edmunds should be considered entitled to." It is to be regretted that the Committee did not consider it to be their duty under the circumstances to act upon their general knowledge or impression so far as to interpose some delay before the question was finally disposed of in favour of a pension, which, had the circumstances been fully known to them, would probably not have been recommended.

Before closing their Report, the Committee must advert to another matter into which they felt it to be their duty to prosecute an inquiry. In the early part of the evidence given by Mr. Edmunds as to his appointment to the office of Clerk of the Patents, he stated that the salary of 400*l.* a year was "saddled with the payment of 300*l.* a year "to a certain trust." The Committee did not think it convenient at that stage of the inquiry to enter into the particulars of this alleged trust, but they subsequently received the following evidence upon the subject.

Mr. Edmunds stated that he was appointed to the office in August 1833, Mr. James Brougham, now deceased, a brother of Lord Brougham, being the medium of communication. That he never had any communication with Lord Brougham on the subject. That he was informed by Mr. James Brougham, at the time of his appointment, that the office was intended for the eldest son of Mr. John Brougham, then deceased, another brother of Lord Brougham, but that as he was not old enough to hold it himself, he was to take it in the meantime in trust for the benefit of the widow and five children of John Brougham. A mortgage for 5,000*l.* had been granted, in the year 1811, by Lord Brougham on an estate in Cumberland, in order, as Mr. William Brougham said, to raise money for his brother James, who was in possession of the estate and in receipt of the rents. This mortgage was assigned in 1827 to trustees, of whom Mr. Edmunds was one, for the benefit of his sisters. Lord Brougham had no knowledge of the assignment of the mortgage. He for many years entrusted the management of his property to his brothers, to Mr. James Brougham first, and subsequently to Mr. William Brougham.

At the time of Mr. Edmunds's appointment to the office in question, Mr. James Brougham directed him to pay or account to him for 300*l.* annually out of the salary, by retaining 200*l.* per annum in payment of the interest on the mortgage for 5,000*l.*, and paying over to him the remaining 100*l.* per annum for the purposes of the trust. Mr. James Brougham died at Christmas 1833, a few months after the arrangement as to the 300*l.* per annum. Mr. Edmunds says that Mr. James Brougham paid the interest on the mortgage on Lord Brougham's account and as his agent from 1827 to the middle of the year 1830, but that he did not pay the interest for the years 1831–2–3; that Mr. James Brougham was therefore indebted to him 600*l.* on that account at the time of his death.

There is a little confusion on this point, for in the course of the inquiry Mr. William Brougham produced a paper in the handwriting of Mr. Edmunds, which was written in October last, in which he states, "The mortgage dates in 1827, and interest was regu- "larly paid in money to L. E. up to the date of the appointment to the office in 1833." This discrepancy arises upon a fact of no importance, and is only useful as a test of the accuracy of Mr. Edmunds's memory. On the death of James Brougham, Mr. William Brougham succeeded to the management of Lord Brougham's affairs. Mr. Edmunds says that early in 1834 Mr. William Brougham came to him and opened the subject, showing a perfect knowledge of the trust arrangements, which he adopted in all particulars. He directed Mr. Edmunds to retain 200*l.* per annum, to be applied by him in payment to his sisters of the interest on Lord Brougham's mortgage of 5,000*l.*, and to pay the balance of 100*l.* to him, Mr. William Brougham; that accordingly Mr. Edmunds paid to his sisters the 200*l.* per annum regularly down to June 1864, and 100*l.* a year to Mr. William Brougham's credit at his bankers (Messrs. Bouverie's) till 1845. In that year Mr. Edmunds lent Mr. William Brougham a sum of 1,200*l.*, and from that time he, by Mr. William Brougham's directions, deducted 42*l.* a year

for

for the interest of the loan out of the 100*l.*, and paid to Mr. William Brougham's credit, at his bankers, 58*l.* in one yearly payment down to the present time. Mr. Edmunds says that Mr. William Brougham has never paid the widow and children of John Brougham anything. This is undoubtedly the fact, but Mr. William Brougham denies that the trust of the 300*l.*, or rather of the 100*l.*, after deducting 200*l.* for the interest of the mortgage, was for the benefit of John Brougham's family.

He says that "he knew nothing of any bargain between Mr. Edmunds and his "brother James respecting the office of Clerk of the Patents. That the first "information he ever had of any arrangement was Mr. Edmunds coming to him in "November 1834, and telling him that he had undertaken or agreed to pay 300*l.* a "year to the relief of his brother James's debts and liabilities. That he was to pay "200*l.* a year towards the interest on a mortgage (he never told him what mortgage), "and that he was to have paid the remaining 100*l.* a year direct to his brother James, "but as he was dead, he would pay it to him (William Brougham), to be applied to "the same purposes."

Mr. William Brougham says that it was not till the 20th of last October that he knew what the mortgage debt was. He knew of the existence of the original mortgage in 1811, but he was not aware that it had been transferred to Mr. Edmunds, Mr. James Brougham, himself, and another as the four trustees for Mr. Edmunds's sisters, as he never saw the contents of the deed until he found it in the muniment room at Brougham on the 20th October 1864. He stated that he had a full knowledge of Lord Brougham's affairs since 1833; and upon being asked how it was that in making himself master of the position of Lord Brougham's affairs, he never thought it worth while to inquire into this mortgage? he answered, "I had a note, or a list rather, of what the different "mortgages were, but I did not know which was the mortgage, the interest of which "Mr. Edmunds undertook to keep down. I had no means of knowing that." Upon which he was asked, Was this mortgage to the Misses Harrison (meaning the mortgage of 1811) included in the list of mortgages you speak of? to which he answered, "I "have no doubt that, without the name of the Misses Harrison necessarily being "mentioned, it was included as a mortgage upon the property."

Only two mortgages were specifically mentioned by Mr. William Brougham in his evidence, one a mortgage originally of 8,000*l.* upon James Brougham's property, but which Mr. William Brougham, by paying off 3,000*l.*, reduced to 5,000*l.*, and the other the mortgage of 1811 upon Lord Brougham's manor of Braithwaite Howes. Mr. William Brougham stated that since the death of Mr. James Brougham he has had the management of Lord Brougham's affairs "in a great measure," and that he also spent a great deal of time in unravelling the complicated affairs of Mr. James Brougham after his death; under these circumstances it is certainly a matter of some surprise that he should not have ascertained to which of the mortgages the 200*l.* a year was applicable for the long period of 30 years, from 1834 down to last October. Mr. William Brougham knew in 1834 that in 1810 Lord Brougham made over the property on which the mortgage of 1811 was created to his brother James, who was virtually, though not actually in point of law, the owner at that time; he knew that the 5,000*l.* was borrowed for James's benefit, and that the arrangement with Mr. Edmunds was to pay 300*l.* a year to the relief of James's debts and liabilities; and he learnt further that 200*l.* a year out of the 300*l.* was to be retained by Mr. Edmunds to pay the interest of a mortgage.

He knew also that the 200*l.* a year was not applicable to the mortgage originally of 8,000*l.*, but reduced to 5,000*l.* by his payment of 3,000*l.* He must have known, through his management of Lord Brougham's property, that no interest was ever paid out of the rents and profits of the estate upon which the mortgage of 1811 existed; and although he states that the transfer of that mortgage had escaped his notice, as it had no other effect upon the interest than to make it payable to other parties than the original mortgagees, it is difficult to understand how he could have been ignorant originally, or could have continued so long in ignorance, that the 200*l.* a year retained by Mr. Edmunds was applicable to the payment of interest on this mortgage. Mr. William Brougham admits the payment to him of the 100*l.* a year out of Mr. Edmunds's salary, and says, that "he agreed with Mr. Edmunds that he would apply this 100*l.* in the "way he proposed (viz., to the relief of James Brougham's debts and liabilities), and "from that day to this it has been so applied and to no other purpose." But in a subsequent part of his evidence, (after stating that he never received any interest on the 3,000*l.* which he paid to relieve the property of James from a part of the charge of 8,000*l.*) upon being asked whether he applied the 100*l.* a year towards the satisfaction of any other debt which was due to him from his brother James's estate, he answered,

"I had a legal right to it because I took a transfer of the mortgage security, which is not "worth the parchment it is written upon, for the estate is insufficient to pay off even the "5,000*l.*" Mr. William Brougham was not accurate in saying that the 100*l.* a year had from November 1834 been applied to no other purpose than to the relief of James Brougham's debts and liabilities, because in the year 1845 he borrowed of Mr. Edmunds a sum of 1,200*l.*, and it was then arranged that Mr. Edmunds should retain out of the 100*l.* the interest upon that loan, amounting to 42*l.*, which he has done for nearly 20 years. Mr. William Brougham says that he effected an insurance on the life of Mr. Edmunds for 3,000*l.* at an annual premium of nearly 100*l.*, and that he applied the 58*l.*, the residue of the 100*l.*, in part payment of this premium, the difference being made up by himself. It must be observed, however, that this insurance was effected in 1840, five years before the loan of the 1,200*l.*, and therefore it must have been effected solely with the view of protecting the payment of 200*l.* a year for the interest of the mortgage from the contingency of the loss of the fund out of which it was payable by the death of Mr. Edmunds.

In January 1863 Mr. Leman had some conversation with Mr. William Brougham on the subject of a mortgage debt of 5,000*l.* upon Lord Brougham's property, when Mr. William Brougham, without (as he says) "knowing what the mortgage was, told "him, that as far as any debt of Lord Brougham's was concerned it would be very "inconvenient to pay it off then." Shortly afterwards, on the 26th of January, Mr. Edmunds wrote to Mr. William Brougham, in these terms:—"My dear Brougham, "With the intention of putting my affairs in a manageable condition, in the event of "my death, I have been looking through my papers. It has struck me that between "you and I there ought to be a written statement to the effect that the interest "(200*l.* per ann.) on the mortgage I hold for 5,000*l.* on the Cumberland estate has "been paid and settled up to this time. This interest has actually been paid, but "through an unsettled account. This is by deducting yearly from the 300*l.* per ann. "held in trust for others, and paying you the balance of 100*l.* yearly up to a "certain time. Since the date of the loan to you of 1,200*l.*, I have made a further "deduction of 42*l.* for interest, and have paid you annually 58*l.* only. The memo- "randum you gave me on the occasion of this loan (1,200*l.*) recognizes the transaction. "Another matter to be settled between us is the question when the mortgage debt "is to be paid off." Although Mr. William Brougham says that he was entirely ignorant what this mortgage debt was until the month of October in the following year, he asks for no explanation of the transaction, but merely writes on the 30th January 1863, "My dear Leonard, I am sorry you propose to die, but you must keep yourself "alive till I get back, and we will then arrange the best way to state an account, "which we can then both sign, and then at the end of each year (supposing the "interest account to be from 1st January to 31st December) I can sign again, so as "to keep the matter straight." It might be imagined from this correspondence that Mr. William Brougham was by this time fully cognizant of the exact nature of the arrangements with respect to the appropriation of the salary of Mr. Edmunds, and a circumstance which occurred in the same year, 1863, tends strongly to confirm this impression.

A proposal had been made by Mr. Edmunds to Mr. William Brougham to resign his offices of Clerk of the Patents and Clerk to the Commissioners of Patents, the emoluments of which were together 1,200*l.*, in favour of Mr. Henry Brougham, the son of Mr. William Brougham, and it was understood between them that the payment of the 300*l.* a year should still continue to be made out of the salaries of these offices. On the 14th June 1863, Mr. William Brougham wrote to Mr. Edmunds, and in reference to this arrangement said "also pray bear in mind that in talking to Henry, or Miller, "or Lord Brougham, you are in the same story with me, viz., that the actual gain "to Henry is 900*l.* a year. It will not do to mention to any one at present our 300*l.* "arrangement; that must not be spoken of; and when the Patent arrangement is com- "pleted, then Henry alone must be told, and told in a way you and I agree upon. "You will at once understand the necessity for this reticence."

In the month of October 1864 negotiations took place between Mr. Leman (on behalf of Mr. Edmunds) and Mr. William Brougham for a settlement of the accounts between them, in which Mr. William Brougham denied all knowledge of the mortgage debt of 5,000*l.* In a letter to Mr. Leman on the 12th October 1864, he writes, "Let me "know as soon as you can on what footing the 1,200*l.* you refer to is to continue, as "I do not choose to pay interest. I would, if necessary, make immediate arrange- "ments for paying it off, and I should then surrender the policy for 3,000*l.* to stop "the payment of 100*l.* a year, which I have hitherto paid. Respecting the 5,000*l.* you

"mention

" mention in your letter I know nothing." And on the 16th October, in another letter to Mr. Leman, he writes, " I trust that you will believe that I have no wish to evade " any obligation I have bound myself to fulfil, but I was no party nor ever heard of the " arrangement of 1833, referred to in the statement I have received from you to-day. " If I acted on it subsequently it was from information furnished by L. E. Of one " thing I am perfectly certain that Lord Brougham never at any time had any know- " ledge whatever of the matter. But I neither can nor will make him (meaning " Mr. Edmunds, a present of 5,000*l.*" Differences having thus arisen between the parties it was agreed on the 8th December last to refer the matters in dispute to Lord Cranworth. Mr. William Brougham complains that in the draft of the agreement to refer there was inserted, as one of the questions to be decided, Mr. William Brougham's liability to pay the 1,200*l.* loan made to him by Mr. Edmunds in 1845. " That " Mr. Edmunds himself drew his pen through that part of the draft, from which " Mr. William Brougham concluded it would form no part of the reference, and to his " great surprise he found afterwards that all the question relating to the 1,200*l.* had been " before Lord Cranworth." Mr. Edmunds says, " that although he originally gave his " consent that this paragraph should be struck out, upon consideration he thought that " Mr. Brougham having in a great measure denied this 1,200*l.*, having declared he would " pay no interest upon it, it was more safe for him that this question upon the 1,200*l.* " should go to Lord Cranworth with the 5,000*l.*" The matter is of no great importance, but it must be observed that after the terms of an agreement for reference had been agreed upon, no alteration ought to have been made without the consent of both parties. Lord Cranworth having undertaken the reference, Mr. William Brougham and Mr. Edmunds delivered to him written statements of their respective cases. By this time Mr. William Brougham, by his own admission, had become fully informed of the application of the 200*l.* a year to the payment of the interest on the mortgage of 1811; and having on the 20th October last seen the deed of assignment of that mortgage amongst the documents at Brougham, he was then, at all events, aware that the 200*l.* a year out of Mr. Edmunds's salary had been applied for more than 30 years to keep down that interest. He knew, therefore, that the mortgage was a subsisting mortgage, and that Lord Brougham's liability upon it still continued. Yet in his statement of his case to Lord Cranworth, he says, " The mortgage debt as regards Lord B. is gone. He received " no part of the 5,000*l.* borrowed. He never paid interest, either by himself, or by " any one authorized by him, or with his knowledge, privity, or consent." Mr. William Brougham was asked how, with the knowledge he possessed at this time, he thought it right to plead the Statute of Limitations, to which he answered, " That was only as " regards the question of Lord Brougham's being a debtor. I was perfectly willing to " take upon myself, as far as I could, the payment of that mortgage, which I had " no doubt was a debt."

Lord Cranworth, by his award made the 26th January 1865, decided as to the mortgage as follows:—" I decide that Lord Brougham is liable to repay the principal " sum of 5,000*l.* thereby secured, with interest thereon from the 24th June 1864, up " to which time all parties admit that interest has been paid. I come to this conclusion " on the facts as stated by Lord Brougham and William Brougham. I place entire " confidence in what Lord Brougham states, namely, that he did not receive any part of " the 5,000*l.*, and had altogether forgotten that such mortgage existed. But his " brother, James Brougham, joined in the mortgage, and Lord Brougham and James " Brougham jointly and severally covenanted with the mortgagee for payment of prin- " cipal and interest. James Brougham died at the end of 1833, but shortly before his " death he came to certain arrangements with Leonard Edmunds, under which it was " stipulated that Leonard Edmunds should thenceforth pay the interest on the mortgage " (200*l.* per annum), which James Brougham was, by virtue of his covenant, bound " to pay. Leonard Edmunds has accordingly regularly paid the interest, which I con- " sider to be the same thing as if James Brougham, one of the parties liable, had himself " paid it. The mortgage, therefore, is clearly a subsisting mortgage, valid against " Lord Brougham, who, though appearing on the face of the deed to be the principal " debtor, was, I have no doubt, merely a surety for his brother James."

It thus appears that at the time of the appointment of Mr. Edmunds to the office of Clerk of the Patents it was agreed between him and Mr. James Brougham that 300*l.* a year out of the salary should be applied either for the benefit of the family of John Brougham, or should be available towards the liquidation of the debts of James Brougham. And it is also proved that in the year 1863, when it was proposed that Mr. Edmunds should resign his offices of Clerk of the Patents and Clerk to the Commissioners of Patents, there was an understanding between

him and Mr. William Brougham that if Mr. William Brougham's son should be appointed to succeed to the offices, a similar deduction should be made from his emoluments, to be applied in the same manner as the 300*l.* a year which had been then charged upon Mr. Edmunds's salary for a period of 30 years. So far as the public is concerned, what was the actual agreement as to the application of this 300*l.* a year is wholly immaterial. Any private arrangement that a portion of the salary of a public officer which is the remuneration for his services shall be applied to the benefit of any other person is a grave offence against public morality, and deserves the severest condemnation.

All the witnesses concur in stating that these transactions took place without the slightest knowledge of them on the part of Lord Brougham. That he was no party to any arrangement for the appropriation of any part of the salary of the Clerk of the Patents in any other manner than for the sole benefit of Mr. Edmunds. That he was kept in entire ignorance of all the circumstances connected with the payment of the interest upon the mortgage of 1811, and the transfer of that mortgage to trustees for the sisters of Mr. Edmunds, and that he had no means of arriving at the facts, as he had resigned the entire management of his affairs first to his brother James Brougham, and afterwards to Mr. William Brougham, the latter of whom has expressly sworn that he never communicated any information to Lord Brougham upon the subject. Mr. Edmunds, who lived upon the most confidential terms with Lord Brougham, and was for a long course of years an inmate in his house, also states positively that Lord Brougham knew nothing of the arrangements respecting his office, nor of the application of any portion of his salary otherwise than for his own benefit; and Lord Brougham himself, in an affidavit, which the Committee consented to receive, upon being satisfied that his Lordship was unable to attend, swears in these words, "In 1833 I appointed Mr. Edmunds Clerk of the Patents, "the salary being 400*l.* a year. I made the appointment freely and without any "condition, or stipulation, or understanding whatever. I derived or received or ex- "pected to receive no benefit or advantage whatsoever from the appointment. If "it is stated or suggested that I or any member of my family received or derived "any benefit or advantage from the appointment, such statement or suggestion is, "as I firmly believe, utterly false as with respect to myself I know it to be.

"I read in the 'Times' of the 10th March that a yearly payment of 300*l.* had been "made by Mr. Edmunds for interest on a mortgage and otherwise, by which I was "directly or indirectly benefited. I utterly deny all knowledge of any such transaction, "and of any and every part thereof."

The Committee, in conclusion, trust that they may, without departing from their proper functions, be permitted to express their gratification that the result of their inquiry should thus have been to remove the possibility of any suspicion attaching to the character of so distinguished a member of your Lordships' House.

And the Committee have directed the Minutes of Evidence taken before them, together with an Appendix, to be laid before your Lordships.

Note.—Before the Committee finished the consideration of their Report, a second affidavit was received from the Lord Brougham and Vaux, for which *vide* Appendix F.

ORDER OF REFERENCE.

Die Martis, 7° *Martii*, 1865.

"Select Committee appointed to inquire into all the circumstances connected with the resigna-
"tion by Mr. Edmunds of the offices of Clerk of the Patents and Clerk to the Commissioners of
"Patents, and with his resignation of the office of Reading Clerk and Clerk of Out-door Committees
"in this House; and also into all the circumstances connected with the grant of a retiring pension
"to him by this House."

Die Jovis, 9° *Martii*, 1865.

"The Lords following were named of the Committee; the Committee to meet on Tuesday next,
"at Four o'clock, and to appoint their own Chairman:"

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

Die Veneris, 10° *Martii*, 1865.

"Letters and documents relating to the resignation by Mr. Edmunds of certain offices, and on
"the pension granted to him by this House, referred to the Committee."

Die Martis, 14° *Martii*, 1865.

"*Ordered*, That the Witnesses before the Committee be examined on oath; and that the
"Evidence taken before the Committee from time to time be printed for the use of the Members
"of this House; but that no copies thereof be delivered, except to the Members of the Committee,
"until further order."

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Martis, 14° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

Order of Reference read.

Order of the House of Thursday last, empowering the Committee to appoint their own Chairman, read.

It is proposed, That the Lord President do take the Chair.

The same is agreed to, and the Lord President takes the Chair accordingly.

Order of the House of Friday last, referring to the Committee the letters and documents relating to the resignation of certain offices by Mr. Leonard Edmunds, read.

The course of Proceeding is considered.

Ordered, That the Committee be adjourned till Thursday next, Twelve o'clock.

Die Jovis, 16° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

Order of the House of Tuesday last, That the Witnesses before the Committee be examined on Oath; and that the Evidence taken from time to time before the Committee be printed for the use of the Members of this House, but no copies thereof to be delivered, except to the Members of the Committee, until further order, read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in and examined (*vide* the Evidence); viz., Mr. *Leonard Edmunds*; Mr. *John Greenwood*, Q.C.

Ordered, That the Committee be adjourned till To-morrow, Twelve o'clock.

Die Veneris, 17° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of yesterday are read.

The following Witnesses are called in, and further examined (*vide* the Evidence); viz., Mr. *Leonard Edmunds*; Mr. *John Greenwood*, Q.C.

Ordered, That the Committee be adjourned till Monday next, One o'clock.

Die Lunæ, 20° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in and examined (*vide* the Evidence); viz., Mr. *Pemberton Gipps*; Mr. *Charles Hooper*; Mr. *Leonard Edmunds* further examined; Mr. *Thomas Ruscoe*.

Upon question (No. 930.) being put by the Duke of Somerset, the Witness was directed to withdraw, and upon being again called in, was informed by the Chairman, that the Committee had decided that they would not permit evidence on questions not relevant to this inquiry, and affecting persons whose conduct is to be the subject of future investigation.

Ordered, That the Committee be adjourned till To-morrow, Twelve o'clock.

Die Martis, 21° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of yesterday are read.

The following Witnesses are called in, and examined (*vide* the Evidence); viz., The Right Honourable the Master of the Rolls; Mr. *James Leman*; Mr. *Leonard Edmunds* further examined.

Ordered, That the Committee be adjourned till Thursday next, Twelve o'clock.

Die Jovis, 23° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witness is called in and examined (*vide* the Evidence); viz., Mr. *William Brougham*; The Lord *Redesdale* and The Lord President being present are examined; Sir *John George Shaw Lefevre*, K.C.B., Clerk of the Parliaments, being in attendance is examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till To-morrow, Twelve o'clock.

Die Veneris, 24° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of yesterday are read.

The Lord Chancellor being present is examined. (*Vide* the Evidence.)

The following Witnesses are called in, and examined (*vide* the Evidence); viz., Mr. *William Matthewson Hindmarch*, Q.C.; Mr. *John Greenwood*, Q.C., further examined.

Ordered, That the Committee be adjourned till Monday next, One o'Clock.

Die Lunæ, 27° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence); viz., The Right Honourable *William Ewart Gladstone*, M.P., (Chancellor of the Exchequer); Mr. *George Alexander Hamilton*; Mr. *George Arbuthnot*; Mr. *John F. Miller*. Mr. *James Leman* and Mr. *William Brougham* further examined.

Ordered, That the Committee be adjourned till To-morrow, One o'clock.

Die Martis, 28° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of yesterday are read.

The following Witnesses are called in, and examined (*vide* the Evidence); viz., Mr. *William Brougham* further examined; Mr. *Alfred Montgomery*; Mr. *Leonard Edmunds* further examined.

Ordered, That the Committee be adjourned till Thursday next, Four o'clock.

Die Jovis, 30° *Martii*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The clerk then laid before the Committee an affidavit which he had received by post from the Lord *Brougham and Vaux*. The seal of Her Majesty's Vice-Consul at Cannes is affixed thereto.

The said affidavit is read by the clerk. (*Vide* the Evidence of this day.)

Mr. *James Leman* is then called in, and further examined. (*Vide* the Evidence.)

Ordered, That the Committee be adjourned till Tuesday next, Twelve o'clock.

Die Martis, 4° *Aprilis*, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and further examined (*vide* the Evidence); viz., Mr. *John Fisher Miller* and Mr. *James Leman*.

The Draft of a Report is laid before the Committee by the Chairman.

The same is read, and several Amendments are made therein.

Ordered, That the Committee be adjourned till Friday next, Twelve o'clock.

Die Veneris, 7° Aprilis, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Malmesbury.	Lord Taunton.

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

Sir *Roundell Palmer*, M.P., (Attorney General,) is called in, and examined. (*Vide* the Evidence.)

The Draft Report is again considered, and several further Amendments are made therein.

Ordered, That the Committee be adjourned till Thursday the 27th April, One o'clock.

Die Jovis, 27° Aprilis, 1865.

LORDS PRESENT:

Lord President.	Earl of Malmesbury.
Duke of Somerset.	Lord Stanley of Alderley.
Earl of Derby.	Lord Chelmsford.
Earl Graham.	Lord Taunton.
Earl of Clarendon.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday the 7th of April last are read.

A further affidavit from the Lord *Brougham and Vaux* is laid before the Committee by the Chairman and read. (*Vide* Appendix F., page 561.)

The Draft Report is again considered, and several further amendments are made therein.

Ordered, That the Committee be adjourned till Tuesday next, Two o'clock.

Die Martis, 2° Maii, 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The Draft Report is again considered, and several further Amendments are made therein.

The following paragraphs of the Draft Report are read, and are as follows; viz.:—

"The opinion which the Lord Chancellor appears to have entertained of his duty upon this occasion is one in which it is impossible for the Committee to concur. In forming a judgment upon it, it is necessary to bear in mind the position in which Mr. Edmunds stood at the time his petition

was presented to the House. A report had been made to the Lord Chancellor by persons whom he himself had selected to inquire into alleged misconduct on the part of Mr. Edmunds, charging him in the strongest terms with having misappropriated to his own use public monies, with having passed false accounts to the Treasury, and with having embezzled large sums, which but for the accidental discovery of his defalcations would have been lost to the public. Upon this report four grave charges had been framed by the Attorney General, and Mr. Edmunds had been called upon to answer them in a judicial inquiry. Instead of meeting these charges, Mr. Edmunds preferred to surrender his offices, and to undertake to pay all that was due from him to the public; and he afterwards paid into the Exchequer nearly three times as much as his then discovered deficiencies. A second report had been presented only a fortnight before his resignation, which charged Mr. Edmunds with still being a public defaulter to a very considerable amount beyond the sum which he had so paid.

"These circumstances were fully known to the Lord Chancellor, and were all essentially important to be known by the House, in order to enable it to determine whether Mr. Edmunds was deserving of a pension or not. All that was afterwards done in the House was founded upon the petition presented to the House by the Lord Chancellor without observation. Upon its presentation the acceptance of Mr. Edmunds's resignation was moved, and agreed to, and the petition was afterwards referred by the House to the Select Committee on the Office of the Clerk of the Parliaments."

It is then proposed by the Lord *Taunton*, to leave out the said paragraphs, and to insert the following paragraph in lieu thereof; viz.:—

"The Committee cannot coincide with the Lord Chancellor in the view thus taken by him of his public duty. In their opinion it was incumbent on him, who presented the petition of Mr. Edmunds to the House of Lords, in some manner to have apprized the Parliament Office Committee of the circumstances under which the resignation of Mr. Edmunds of the clerkship had taken place, and with which the Lord Chancellor was officially acquainted, and not to have left them to decide the question of a pension with no clearer light than that which could be derived from vague and uncertain rumours."

Objected to.

On Question, that the paragraphs proposed to be left out stand part of the Report:

Contents.	Not Contents.
Earl of Derby.	Lord President.
Earl Graham.	Duke of Somerset.
Earl of Malmesbury.	Earl of Clarendon.
Viscount Hutchinson.	Lord Panmure.
Lord Chelmsford.	Lord Stanley of Alderley.
	Lord Taunton.

The paragraph proposed to be inserted by the Lord *Taunton* is then again read, and is agreed to.

The following paragraph of the Draft Report is read, and is as follows; viz.:—

"Although the Committee see no ground for attributing to the Lord Chancellor any motive except an unwillingness to act harshly towards an officer of the House who had faithfully performed his duties to it for many years, they are compelled to come to the conclusion that in withholding from the knowledge of the House the serious matters affecting the character of Mr. Edmunds, and presenting his petition as if he approved of his application for a pension, he acted under a mistaken sense of his duty, and has thereby occasioned serious reflections to be cast upon the conduct of the House, and has placed it in a situation of great embarrassment and difficulty."

It is then proposed by the Lord *Taunton* to leave out the said paragraph, and to insert the following paragraph in lieu thereof; viz.:—

"The Committee have, however, no reason to believe that the Lord Chancellor was influenced by any unworthy or unbecoming motives in thus abstaining from giving any information to the Committee."

Objected to.

On Question, that the paragraph proposed to be left out stand part of the Report:

Contents.	Not Contents.
Earl of Derby.	Lord President.
Earl Graham.	Duke of Somerset.
Earl of Malmesbury.	Earl of Clarendon.
Viscount Hutchinson.	Lord Panmure.
Lord Chelmsford.	Lord Stanley of Alderley.
	Lord Taunton.

The paragraph proposed to be inserted by the Lord *Taunton* is then again read, and is agreed to.

The following paragraph is then proposed by the Duke of *Somerset*; viz.:—

"The Committee are of opinion that the pension having been granted by the House in ignorance of the facts which are now brought to light, the proper course will be for the House to reconsider its former resolution."

Objected to.

On Question, that the paragraph stand part of the Report:

Contents.	Not Contents.
Lord President.	Earl of Derby.
Duke of Somerset.	Earl Graham.
Earl of Clarendon.	Earl of Malmesbury.
	Viscount Hutchinson.
	Lord Panmure.
	Lorn Stanley of Alderley.
	Lord Chelmsford.
	Lord Taunton.

The Draft Report is again read, several further amendments are made therein, and the same, as amended, is agreed to. (*Vide* the Report.)

Ordered, That the Lord in the Chair do make the said Report to the House.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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Mr. John Greenwood, Q.C. - - 8

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Mr. Leonard Edmunds - - - 31

Die Lunæ, 20° *Martii*.

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Mr. William Brougham - - - 161
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Die Martis, 28° *Martii*.

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Die Jovis, 16° *Martii* 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Mr. L. Edmunds.

16th Mar. 1865.

Mr. LEONARD EDMUNDS is called in; and having been sworn, makes the following statement:

My Lords, Considering that I am put upon my trial, and that everything, my character, my existence, my means of subsistence for the rest of my life, are in peril and at issue, and considering upon a matter of this kind the great difficulty I must naturally have in defending myself, I must request the Committee to allow me professional assistance, especially considering that Mr. Greenwood appears here, as it may be said, to represent the prosecution.

The Witness is directed to withdraw.

The Committee deliberated.

After a short time the Witness is again called in.

The Chairman informed Mr. Edmunds, That the Committee agreed to his request to have professional assistance, with the understanding that the professional person introduced for that purpose would not be allowed to put questions to the witnesses, or to make any address to the Committee.

1. *Chairman.*] Is your professional agent here?

No. My professional agent has no instructions whatever from me as yet, I only asked him to act yesterday; therefore Mr. Tahourdin, the gentleman I refer to, knows nothing of the case. I may explain how that has arisen. Mr. Leman, my solicitor, who has conducted the whole of this business for me up to this time, is also the solicitor for a gentleman whose conduct may probably be a matter of inquiry before this Committee, on that account Mr. Leman has a difficulty in attending this Committee on my behalf; he could hardly with propriety act for me.

2. Earl of *Malmesbury.*] What is the name of the gentleman you allude to?

Mr. Brougham. That circumstance has placed me in very considerable difficulty. I do not complain of Mr. Leman in any way. I think he is quite right in the course he has taken.

3. *Chairman.*] What application do you wish to make at present?

An application for time. At the same time I do not wish for professional assistance until the inquiry comes to the question respecting my conduct and the charges against me in the Patent Office.

Mr. L. Edmunds.

16th Mar. 1865.

4. Earl of *Derby.*] Then we can proceed with the inquiry to some extent at once?
Yes. I have no objection whatever to proceed at once with the examination upon other points.

5. *Chairman.*] You do not require the assistance you have spoken of so long as no charge is made against you?
No. I require assistance in that part of the inquiry which relates to the charges made against me as to my conduct in the Patent Office.

6. You held two offices connected with the office of Patents, did you not?
Yes.

7. Will you state the date of your appointments to those two offices?
I was appointed to the office of Clerk of the Patents in August 1833.

8. What was the salary or remuneration attached to that office?
£400 a year, saddled with the expenses of the office.

9. By whom were you appointed?
By Lord Chancellor Brougham.

10. And you held that office until you resigned it. What was the date of your resignation?
The end of last July.

11. When was your appointment to the office of Clerk of the Commissioners of Patents?
In the month of October 1852.

12. What was the salary or remuneration attached to that office?
£600 a year.

13. And you held that office to the same date as the other, did you not?
Yes, to the same date.

14. Lord *Chelmsford.*] Was it Lord St. Leonards who appointed you to your second office?
Lord St. Leonards and the then Commissioners of Patents, of whom your Lordship was one.

15. *Chairman.*] You have had certain printed documents referred by the House in your possession since the day before yesterday, have you not?
Yes. May I ask your Lordships to direct that I may have four or five additional copies of those prints?

16. For what purpose?
For my own purposes. They are all or nearly all documents that relate to myself.

17. I can only, on behalf of the Committee, authorize you to have a copy for your own information; and I must add to that, that I believe you are aware that it is the practice of the House of Lords, in Select Committees, that such papers should be considered as confidential, and as being only meant for the witnesses for the purposes of their information or for the purposes of their evidence?
Certainly. I perfectly understand that. It is not probable that I should divulge anything.

18. Lord *Chelmsford.*] What can you want four or five copies more for?
To put into the hands of my professional adviser.

19. One copy would be sufficient for the use of yourself and your adviser. You would not want it while your adviser was considering it?
It would be more convenient to have a second copy.

20. *Chairman.*] The first of those documents is a letter from you to the Commissioners of Patents requiring an investigation?
Yes.

21. It is dated the 10th of March 1864?
Yes.

The same is handed in, and read as follows:

"To

" To the Commissioners of Patents.

Mr. L. Edmunds.

My Lords and Gentlemen, Patent Office, 10th March 1864.

16th Mar. 1865.

I have the honour to send herewith my First and Second Reports addressed to the Commissioners of Patents in answer to the statements made in reference to my conduct of the business of the Patent Office, in a certain letter addressed by Mr. Woodcroft, the Superintendent of Specifications, to His Honor the Master of the Rolls, dated the 4th of November last; as also in answer to the statements contained in two papers, dated respectively in December and January last, addressed by Mr. Woodcroft to the Commissioners of Patents.

These two Reports are accompanied by five separate papers referred to therein, and marked respectively A, B, C, D, and E.

These two Reports and the accompanying papers embody all previous statements written and addressed by me to the Commissioners of Patents from the 4th November to the present time.

Mr. Woodcroft has stated that the Patent Office is, at this time, in a state of " disorganization," owing to my conduct therein.

I distinctly deny such allegation; and whether made by Woodcroft himself or by any other person, I require that Mr. Woodcroft may be put upon proof.

I court and require the fullest and the most open inquiry. I claim a hearing, and the opportunity of disproving all and every of the several charges and statements made by Woodcroft against me.

I also claim a hearing, and, the opportunity of proving all and every of the statements I have found it necessary to make in respect of the conduct of Woodcroft himself, as set out and contained in the several papers sent herewith.

I *respectfully and earnestly* request that the Commissioners of Patents may be pleased to appoint some competent gentlemen at the bar, of standing and character, to make full inquiry in the office, and to report thereon to the Commissioners.

I court and require the fullest inquiry into every single point in my conduct of the affairs and business of the Patent Office, from its first organization in 1852 to the present day.

It is a matter of indifference to me who the gentleman may be appointed to conduct the inquiry, but I would suggest either some gentleman at the bar of standing and character as above mentioned, or I would venture to suggest Mr. Johnson, the solicitor to the Suitors' Fund, as a gentleman well fitted to conduct such inquiry and to make such Report. I suggest Mr. Johnson for the reason that he is an officer of the Court of Chancery, well known to the Lord Chancellor and to the Master of the Rolls, and also because he was employed by Lord Chancellor Cranworth in 1857 to inquire and report on the duties of the several clerks in the Patent Office, in reference to a claim then made by them to the Treasury for an increase of their salaries, and on the question of the salaries then received by them as contrasted with the salaries received in other offices of a like nature.

My object is a full and open inquiry.

The gentleman, however, appointed to conduct the inquiry must have full powers and directions to force Woodcroft to proof of all and every of his allegations against me, great and small; to force me to a like proof of all and every of the statements I have been forced to make in respect of his (Woodcroft's) conduct; to examine all and every of the clerks and officers in the Patent Office and in the Museum, in respect of the several statements made by Woodcroft and by myself; to examine into Brierly's case, and the three cases of Mr. Forster, Mr. Walenn, and Mr. Coryton; to examine all others, in or out of the office, whom I or Mr. Woodcroft may produce as witnesses in relation to the several questions under examination; to examine the Books of Record in the Office; and to examine, in every respect, and report upon the conduct of the business of the Office by me, by Woodcroft, and all the other clerks and officers therein.

That the examination shall be conducted openly, in the presence of all the several clerks and officers, and as many others as the parties concerned may think fit to call in; and that all letters, papers, and statements, by whomsoever written, relating to the business of the office and to the above subjects of inquiry, shall be referred to the gentleman appointed.

I have the honour to remain,
My Lords and Gentlemen,
Your most obedient Servant,
(Signed) L. Edmunds,
Clerk of the Patents."

To the Commissioners of Patents,
&c. &c. &c.

Mr. L. Edmunds.
6th Mar. 1865.

22. The next is the letter of the 25th of April 1864, as to the necessity for the inquiry?
Yes; which I have never seen until this time.

The same was read as follows:

"Sir, House of Lords, 25th April 1864.

I am directed by the Lord Chancellor to state to you, for the information of the Lords Commissioners of Her Majesty's Treasury, that his Lordship's attention and that of the other Commissioners of Patents has been for some time directed to the state of confusion and disorganization at present prevailing in the Patent Office.

Two of the principal officers have brought a series of grave charges against each other, and it is impossible for the Lord Chancellor and the other Commissioners, in consequence of their other grave and important duties, to give the time necessary for a proper investigation of these charges, and the other matters affecting the despatch of business in the office.

Under these circumstances the Commissioners of Patents have arrived at the conclusion that it will be most conducive to the interests of the public service that such an inquiry should be conducted by two gentlemen in whom they place confidence, and they have selected Mr. Greenwood, the solicitor to the Treasury, and Mr. Hindmarch, Q.C., for that purpose.

I am therefore to request that you will obtain the sanction of the Lords Commissioners of Her Majesty's Treasury to the employment of Mr Greenwood on that service, and I am to suggest that a sum not exceeding two hundred guineas, to be charged upon the fees accruing from the Patent Office, should be allowed in payment of the expenses of the inquiry.

I have, &c.
(Signed) P. H. Pepys,
Principal Secretary.

Geo. A. Hamilton, Esq.,
Secretary to the Treasury."

23. The third is the Order of the Commissioners of Patents directing inquiry, dated 3d of May 1864?
Yes.

The same is handed in, and read as follows:

"Gentlemen, House of Lords, 3d May 1864.

We have appointed you to make forthwith a general and particular inquiry into the management of the Patent Office as at present constituted, and the modes of proceeding therein, together with the particulars of the duties required from the several officers there employed, and the manner in which those duties are performed by the present staff of officers, and to report to us on such several matters, and to inform us whether the arrangements now in force are, in your opinion, susceptible of any and what improvements which might give greater efficiency to the whole office.

And in making these inquiries we request you fully to inquire into the charges made against Mr. Leonard Edmunds, the present Clerk of the Patents, and into those made against Mr. Bennet Woodcroft, and to report to us your opinion thereon, and to state to us what, if any, proceedings ought, in your opinion, to be taken in reference thereto, for the public advantage, or the assistance of the general business of the office.

And we also request you to favour us with any further views which in the course of these inquiries may occur to you as tending to increase the usefulness of the office.

We desire also that you will consider and report to us on the statements contained in the memorial dated 22d April 1864, and addressed by many gentlemen to the Master of the Rolls, and which is forwarded herewith.

We authorize you to send for and examine the gentlemen connected with the office, and to require from them the production of any papers and documents you may require.

We are, Gentlemen,
Your obedient Servants,

(Signed) Westbury, C.
(Signed) John Romilly, M.R.
(Signed) Roundell Palmer.
(Signed) R. P. Collier.

John Greenwood, Esq., Q.C.
W. M. Hindmarch, Esq., Q.C."

24. I pre-

24. I presume you would prefer to be in the room when Mr. Greenwood is being examined?
Yes.

25. Earl of *Derby*.] You have stated that when you were appointed to the office of Clerk of the Patents the salary was 400*l*. a year?
Yes.

26. You stated that that was saddled with the expenses of the office?
Yes.

27. Was there any other incumbrance upon it of any description?
Yes, there was.

28. Will you state generally what it was; we do not wish to go into detail now?
It was saddled with the payment of 300*l*. a year to a certain trust.

29. *Chairman*.] It will be convenient for the purposes of the inquiry to postpone to a later period the examination of you with regard to these circumstances?
I shall be ready, when I am called upon, to enter into them.

30. Earl of *Derby*.] The result of that, however, was, that you discharged, until you were appointed to the office of Clerk of the Commissioners of Patents, the whole of the duties of Clerk of the Patents without any remuneration for yourself?
Yes, gratuitously.

31. What did the expenses of the office amount to upon the average?
The expenses of the office for the first 20 years, until 1852, were certainly fully up to the odd 100*l*. a year.

32. Lord *Taunton*.] Instead of saying that they amounted to the odd 100*l*. a year, it would be better to say that they amounted to 100*l*. a year?
They amounted to 100*l*. a year.

33. *Chairman*.] Was not there a return delivered to Parliament immediately after the creation of the office?
So I perceive upon reading these papers.

34. Am I right in gathering that you were not cognisant of it at the time?
No; it is utterly untrue as far as I was concerned, therefore I could not have been cognisant of it. I had no knowledge of it. It appears to have been made by the Principal Secretary to the Lord Chancellor.

35. Lord *Stanley of Alderley*.] What was the date of it?
I think it is to be found in the Second Report of Mr. Greenwood, at page 45; the date is the 29th of August 1833.

36. *Chairman*.] It is described as a "Return made to the House of Lords by the "principal Secretary to the Lord Chancellor, on the 29th August 1833" (the day after the passing of the Bill, that is the 3d and 4th William 4th, chapter 84,) "of offices "abolished and created in the Court of Chancery during the years 1831, 1832, and 1833." Does that return state in effect that prior to the change effected by the statutes above mentioned the gross income of the Clerk of the Patents was 1,205*l*.; the income and expenses of his deputy amounted to 395*l*.; and that the future income and expenses of the Clerk of the Patents would be, income 250*l*., and expenses 150*l*., making together the 400*l*. which, in pursuance of the 3d and 4th William the 4th, chapter 84, was to be paid to the Clerk of the Patents in full satisfaction for the duties of the office and all expenses incident to the performance of them?
I know nothing of that return. I had no hand in it, and upon the face of it it is impossible that I could have done so, because it is not a true statement.

37. Lord *Taunton*.] By whom was this return signed?
By the principal Secretary, it appears, who is now Sir Denis Le Marchant.

38. Lord *Stanley of Alderley*.] That was the year after your appointment, in 1833, was it not?
It appears to have been on exactly the same date.

39. Lord *Taunton*.] You held the office, I think, under the Lord Chancellor, at that time, of Purse Bearer?
Yes.

Mr. L. Edmunds.
16th Mar. 1865.

40. In your official capacity you would have known nothing of that return?
No, nothing whatever. It is dated the 29th of August 1833; exactly the day of my appointment.

41. Lord *Stanley of Alderley.*] That return would apply to the state of the office before your acceptance of it?
This return made by the principal Secretary to the Lord Chancellor is dated the 29th of August 1833. I was appointed to this office exactly upon that date, the 29th of August 1833.

42. Would not that return apply to the expenses of the office previous to your acceptance of it, and not subsequently to that?
It must have been guess work altogether as to the office to which I was appointed.

43. There was an officer of Patents previously to that, was there not?
Yes; but I do not know where they could get the facts, the office was not then held under an Act of Parliament; the officer received the fees as his own emolument.

Mr. J. Greenwood, Q.C.

Mr. JOHN GREENWOOD, Q.C., having been sworn, is examined as follows:

44. *Chairman.*] You are a Queen's Counsel, are you not?
Yes.

45. And Solicitor to the Treasury?
One of them.

46. You have been employed in examining, in conjunction with Mr. Hindmarch, into the Patent Office, have you not?
I have.

47. Will you state all the circumstances connected with your appointment to that duty, and the date?
The Lord Chancellor asked me, I think personally, at one of his levées, whether I would undertake to go into an examination into certain disputes and irregularities that had taken place in the Patent Office.

48. Will you state what was the character of the abuses which were stated to you as requiring examination?
They were, I think, principally quarrels and counter-charges which had been brought by different officers against one another. One was stated, I think, to be a complaint made in writing to the Master of the Rolls, who is one of the Commissioners of Patents, by Mr. Woodcroft. There were counter-charges and replies, and a very angry correspondence between those officers, all of which were eventually handed over to Mr. Hindmarch and myself as subjects of inquiry. Besides that we had a letter signed by the four Commissioners pointing our attention to the particular subjects of our inquiries.

49. Was there any statement made to you as to any pecuniary irregularities at that time?
None whatever. The letter speaks for itself, which I have here.

50. Earl of *Derby.*] Did the letter from Mr. Edmunds, to which you refer, contain counter-charges against any other officer in the department?
I referred to a letter from the Lord Chancellor and the other Commissioners of Patents putting us in operation.

51. I understand you to say that you were appointed in consequence of various complaints of quarrels arising in the office, and that you had referred to you a letter addressed to the Master of the Rolls?
Yes. A letter from Mr. Woodcroft.

52. Complaining of the conduct of Mr. Edmunds, among others?
Yes.

53 Had you any other letter referred to you on the part of Mr. Edmunds complaining of the conduct of Mr. Woodcroft?
There were a number of letters.

54. *Chairman.*] Would you give the date of your being appointed to make that inquiry?
I have the original letter here; it is dated 3d of May 1864.

55. Were

55. Were you ever engaged in any previous examination connected with the Patent Office?

Yes, I have been.

56. Will you state to the Committee what was the date of it, and what was the nature of it?

It was in the latter part of 1862. A statement was made that one of the clerks in the office, of the name of Smith, had abstracted monies to the amount of between 700*l.* and 800*l.*, which he had received by the sale of copies of Specifications. Copies of Specifications are sold in immense numbers to the public at small prices, varying, I think, from threepence to fourpence, and so on; and I was requested to ascertain in what way these abstractions had been possible, and what had been done. I made my report upon that in January 1863.

57. Were you alone in the inquiry?

Yes.

58. Did that inquiry cause you to go into your second inquiry with any preconceived notions against any persons connected with the office?

Not the slightest, as far as regards money matters.

59. Earl of *Malmesbury.*] Upon any other points?

That is very difficult to say. It appeared that a portion of that money which had been paid over by several of the officers who had been called upon by Mr. Edmunds to make it good had remained unpaid over to the public during the time that Mr. Edmunds had three times passed his accounts with the Treasury. I called Mr. Edmunds' attention to that, after I had made my report, because my report was made rather quicker than I desired, on account of Sir William Atherton, the Attorney General, who was one of the Commissioners, having pressed me to make it as soon as possible. When I called Mr. Edmunds' attention to it, he said he had been in Scotland, and had quite forgotten the payments, and that I believed. I asked him whether I should make a fresh supplemental report upon it, or whether he would desire to mention it to the Commissioners himself. He said he would prefer to mention it to the Commissioners himself, and he made a statement to them relating to that 399*l.* You asked me whether I had any preconceived notions when I entered upon the second inquiry. I knew those facts, but I had not the least suspicion when I entered into the inquiry with Mr. Hindmarch that we were going into any pecuniary defaults on the part of Mr. Edmunds.

60. Lord *Taunton.*] Do you mean that that merely gave you an impression that there had been some deficiency in supervision on the part of Mr. Edmunds?

No. I think it gave me hardly any impression, except the mere fact that 399*l.* had not been paid, which he stated, as a gentleman, that he had forgotten; having confidence in his word I believed that statement.

61. *Chairman.*] Will you state what course you adopted in conjunction with Mr. Hindmarch in pursuing the inquiry?

We endeavoured during our first three meetings to get, as nearly as we could, a general description of the routine pursued by the different officers. We got their names, and the character of their duties, and their salaries; and we endeavoured, as much as we could, to confine ourselves at first to that.

62. How long did that inquiry take you?

We sat three days until we came to some circumstances that in our judgment made it necessary to have a shorthand writer present, and afterwards we sat, I think, for fourteen days with a shorthand writer.

63. In the presence of what persons did you conduct the inquiry?

Mr. Edmunds was present every day until we separated for the summer.

64. Earl of *Derby.*] What is the date when you separated for the summer?

The eleventh day of sitting was the 5th of July, and we did not sit again after that until the 8th of November.

65. *Chairman.*] What is that book to which you are referring?

This is a transcript of the shorthand notes of everything that took place, except during the three first days.

66. Will you be so good as to hand it in for the use of the Committee?

Yes; I have brought several copies, for the use of the Committee.

The same are handed in. (*Vide Appendix E., page* 391.)

 67. Would

Mr. J. Greenwood, Q.C.
16th Mar. 1865.

67. Would you state the nature of the circumstance which made you think it requisite to have a shorthand writer? Did you come to any conclusions for the first three days with regard to the state of the office?
Not the least.

68. Earl of *Clarendon.*] You had not thought it necessary for those three days to have a shorthand writer?
No.

69. The subject under consideration did not appear to you to be of sufficient importance to require a record to be kept of it?
I thought it was necessary to take an extremely full note from time to time with regard to any suggestions we might make to the Commissioners as to the mode of proceeding in the office; but the moment we saw anything that was likely to affect a man's character with respect to money matters we thought it was better to have a shorthand writer present, and then our notes became extremely slight.

70. Your own notes became slight?
Yes.

71. Lord *Taunton.*] Did you find a state of want of harmony among the different officials in this department?
Abundance.

72. Earl *Graham.*] The letter containing your appointment directs you to inquire into the performance of their duties by the various officers of the department; I suppose that was the inquiry you began with?
It was so.

73. Earl of *Derby.*] Up to the end of the third day you had come to no conclusion with regard to the matters specially referred to you?
No. We wanted first of all to ascertain what were the duties that each person ought to perform, and then to ascertain what they did perform, and we thought that in the course of that investigation we should have been able to ascertain the foundation of the charges that had been brought by one officer against another.

74. When the circumstances to which you have referred were brought to your notice you entered upon an entirely different branch of inquiry, did you not?
Principally so. I saw that we were coming to that. It was extremely difficult to pursue any one line of inquiry. A great many persons were present. Mr. Edmunds was there, and Mr. Ruscoe, and from time to time we were drawn off more or less to other matters; but I assure your lordships that I can give a very imperfect notion of what was not a very closely conducted investigation into one matter without referring you to the evidence of which I have handed in copies.

75. Viscount *Hutchinson.*] You have stated, I think, that in the first three days inquiry there was no particular impression produced upon your mind as to the conduct of Mr. Edmunds in his office?
No. I should say that during the first three days (I presume it must have been towards the latter end of that time) an impression was created in our minds which made it necessary to have a shorthand writer.

76. That was connected with suspicions that you then entertained for the first time with respect to pecuniary matters?
I hardly know about suspicion, really. There were apprehensions conveyed to my mind; I do not know whether I ought to call them suspicions or not; they were things that I desired to verify.

77. Will you let me draw your attention to page 5, containing your Preliminary Report. At the commencement of that Report, after stating the nature of the offices which Mr. Edmunds held, and the salaries of them, you go on to bring certain charges against his conduct and management. You state that from 1852 to 1863 he "was "absent from the office for long periods of every year, and his attendance during the "remainder of each year has been little more than nominal." Was that statement founded upon any evidence that you had received?
Certainly; every statement was founded on evidence.

78. Was it founded upon evidence which you had received during the first three days? I refer to your first statement with respect to his attendance?

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I am not in a condition to say whether the whole of the evidence upon that point was confined to those three days.

79. Was any of it founded upon evidence received during those three days?
Probably; but I cannot answer the question with certainty without looking at my notes.

80. Earl of *Derby.*] When you stated that Mr. Edmunds was absent for long periods of every year, and that his attendance during the remainder of each year was little more than nominal, did you inquire into the dates at which he was present and at which he was absent, and is that matter of evidence?
Certainly, it is matter of evidence. We had it entirely from the information of the officers at the Patent Office.

81. *Chairman.*] Does that evidence appear upon the shorthand writer's notes?
I really cannot tell at the moment whether there was formal evidence taken at one part or the other of our inquiry.

82. Earl of *Derby.*] What I wish to find out was whether you founded that passage in your Report upon a general statement that Mr. Edmunds had been very remiss in his attendance, or whether you had before you the periods during which he was absent from the office?
We had not the periods before us.

83. Upon whose information is that statement made which appears in the Report, upon the authority of the Commissioners, that Mr. Edmunds had been very remiss, or, in your own words, "was absent for long periods of every year, and that his attendance during the remainder of each year was little more than nominal." Upon whose evidence was that statement founded, if you had not inquired the precise periods at which he was present and absent?
I rather think it will appear in the printed evidence. I will look for it?

84. Lord *Chelmsford.*] If you look at page 6 of the shorthand writer's notes, you will see an answer of Mr. Woodcroft's which may be the evidence you are looking for.
That is the passage I was looking for, and could not find. I have not read this evidence through since it has been in print, therefore am afraid I shall not be able to assist your lordships so much as I could wish.

85. That evidence begins with question No. 96, I think?
Yes; and there is another officer, called Mr. Atkinson, who says something of the same sort.

86. Will you have the goodness to read that answer which you received from Mr. Woodcroft?
Yes. "At the breaking up of Parliament Mr. Edmunds leaves town, and he comes "to town six months afterwards. I do not see him for six months, and then he comes "probably once a fortnight during the other six months at about a quarter to four in "the afternoon, and stops a few minutes. He does not come oftener than once a "fortnight, and then he only stops a quarter of an hour or twenty minutes. Then, on "those few occasions, his conversation was not always of business, but merely upon "the topics of the day." The Report goes on, "99. *Mr. Greenwood.* Has any "detriment to your branch of the office occurred from his absence, in your judgment? "*Mr. Woodcroft.* No; I do not think there has; none whatever, because he does "nothing when he is here, except interfering by discharging persons. *Mr. Edmunds.* "There, you see he gets to the opposite. He says interfering."

87. Lord *Taunton.*] Then Mr. Edmunds was present during all those allegations?
Yes; he takes part in all the conversations.

88. Does he make any answer to this part of the charge?
Not there.

89. Did he subsequently make any answer to it?
I am unable to say whether, among the numerous conversations that went on, in which he took part, some may not have had reference to his presence at the office. Indeed I recollect perfectly well a statement of his (which, however, is far better taken from this book), that he could do the business of the office at his room in the House of Lords, or indeed anywhere, and that he was therefore virtually present; that he was in constant communication with his deputy; that the nature of his duties was such that

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he could discharge them elsewhere, and that he therefore might have been said never to have been absent at all.

90. Earl of *Malmesbury*.] Did you ascertain in any way except from Mr. Woodcroft's answer, whether it was the fact that Mr. Edmunds did not come to the office for six months?

I think there were other witnesses who stated it.

91. Were those witnesses upon oath?

No.

92. Viscount *Hutchinson*.] With respect to the next paragraph, in which you state that his attendance became more frequent after the defalcations of the clerk John S. Smith, and that "he has introduced a variety of regulations and given a variety of orders which have produced great confusion, ill-feeling, and discontent in the office." Upon what evidence is that statement founded?

Upon the evidence of the different officers.

93. That evidence is to be found then in these Minutes?

Not all, I think. I recollect a part. There was a regulation that was referred to about the way in which readers should be admitted into the Library; they were to write down the description of the Patent, and leave it with some officer; and it was said that the different persons who came to consult the various books there complained of this new regulation, the effect of which was, that instead of having to write their names in a book, there were little slips of paper, to the best of my recollection, that they were to fill up; and in practice that had been found extremely inconvenient. I recollect that one case at this moment.

94. *Chairman*.] Was Mr. Edmunds present, or was he able to refute this charge, if he had wished to do so?

I would rather not say whether he could have refuted it or not; he was present, and could have made any observations he pleased.

95. The evidence was all given in his presence?

All that part of it.

96. Viscount *Hutchinson*.] In the following paragraph you go on to state that "The "language adopted by Mr. Edmunds in his letters to the Commissioners will have pre- "pared them to believe that he is violent and intemperate in transacting the business of "the office. We have found that his manner and conduct towards his subordinates is "offensive, harsh, and unnecessarily severe; that his orders have been hasty and ill-con- "sidered; and that he has allowed the business as well of the Commissioners' Office as "of the Patent Office to go on from its commencement without any proper system of "accounts, or any proper regulations for the receipt, custody, and disbursement of the "large sums received in those offices." Upon what evidence are those statements founded?

All those statements were proved to us. As to his manner, and his mode of expressing himself to his subordinates, we judged a great deal from the letters which were put in, and from observing his manner in our presence. As to the mode of keeping accounts that he had introduced, we found that in truth there were no cash books at all in the office. But that is really a matter of detail which I do not know how I can explain.

97. You state in the following paragraph, "upon these grounds alone" (I presume that means the grounds stated in the three preceding paragraphs) you "were prepared to "recommend his removal from his office?"

Yes.

98. Do you still adhere to that opinion?

Quite.

99. Earl of *Derby*.] What letters to the Commissioners do you refer to as preparing them to believe that Mr. Edmunds was violent and intemperate in transacting the business of the office?

Those were the different documents that were handed to us when we began our inquiry.

100. They were letters from Mr. Edmunds to the Commissioners?

Letters from Mr. Edmunds, I think, to the Commissioners.

101. You stated so in the Report. "His letters to the Commissioners will have "prepared them to believe that he is violent and intemperate in the transaction of "the

" the business of the office." I want to know what letters those are, and what grounds they give you for the expression of that opinion?
I have not got them here.

102. *Chairman.*] Can you bring them?
I will take care that the Committee shall have them.

103. Earl of *Derby.*] You see that they are important, because you admit that they were an element in the formation of your own judgment. From them you were prepared to find that he was violent and intemperate in the transaction of the business of the office?
Yes.

104. The Committee would like to see those letters?
They shall be produced.

105. Viscount *Hutchinson.*] It appears from the paragraph I have just read that the Commissioners appointed to inquire into this matter (yourself and Mr. Hindmarch) arrived at the conclusion that Mr. Edmunds ought to be dismissed, before you had any notion that there was any financial difficulty or anything wrong about money. You say that upon the other grounds you had previously stated you were quite prepared to recommend his removal from the office; is that correct?
We interchanged opinions that Mr. Edmunds was a sort of man who ought not to be at the head of that office, independently entirely of any deficiency in his accounts.

106. Had you arrived at that conclusion by the end of the third day?
I should think I had.

107. So that after the third day you carried on the whole of the remaining part of this inquiry with a strong impression upon your mind that Mr. Edmunds was unfit to hold this office?
With a deliberate judgment formed.

108. That he was unfit under any circumstances to hold the office, whether he was guilty of financial defalcations or not?
Yes, quite so.

109. *Chairman.*] But the objections you held to Mr. Edmunds' continuance in office, and which were formed in the early part of the inquiry, were upon an entirely distinct ground from any doubt as to his pecuniary reliability?
Quite so. I thought it was a matter of temper and judgment. I considered on those grounds that he was not a person who ought to have the entire management of that office.

110. Lord *Chelmsford.*] Upon whose information principally did you come to these conclusions? Was it upon the evidence of Mr. Woodcroft?
Mr. Woodcroft was present, and from time to time answered our questions, and from time to time interposed information; but there were the librarian and a great variety of other officers present also; indeed Mr. Edmunds desired at first that every officer (I think that was the expression) should be present, and we allowed as many to come in as chose.

111. Was the principal part of the information against Mr. Edmunds derived from Mr. Woodcroft?
Perhaps it might be so, most of it.

112. I observed in this letter addressed to you that you were directed to "inquire "into the charges made against Mr. Leonard Edmunds, the present Clerk of the "Patents, and into those made against Mr. Bennet Woodcroft." Have you instituted any inquiry whatever with regard to the charges against Mr. Bennet Woodcroft?
None whatever. We intend to do so whenever we can. We took them in their order.

113. Lord *Taunton.*] Do you mean that you propose to institute that inquiry?
Entirely so.

114. Lord *Chelmsford.*] Then you have never entered at all upon an examination of the charges which I observe are called "grave charges" against Mr. Woodcroft?
No; they have been incidentally mentioned to us, but we have not instituted any inquiry into that part of the subject yet.

115. Have you been at all directed to abstain from inquiry?
Certainly not.

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116. A considerable time has elapsed. I should have thought you would have had ample time to enter into this part of the inquiry?

We have had very considerable difficulty in devoting the time we have done to this inquiry; there have been a number of very heavy Government prosecutions in the meantime.

117. Duke of *Somerset.*] When you were appointed to make this inquiry, were you aware that Mr. Edmunds himself had requested the Commissioners of Patents to make a full inquiry into the state of the office?

It was stated in one of those documents which has been alluded to.

118. Was that document before you, so that you were aware that Mr. Edmunds had himself requested that a full inquiry should be made into the state of the office?

"Into those charges," I think was the expression. I forget Mr. Edmunds' exact expression.

119. Was the letter of Mr. Edmunds to the Commissioners of Patents, dated 10th of March 1864, and which was the letter which led to the inquiry, put before you?

I do not recollect the date the least in the world.

120. Earl of *Derby.*] Will you have the goodness to look at the letter that is referred to (*handing the printed paper to the witness*)?

According to my recollection that is the letter.

121. Duke of *Somerset.*] Was that letter put before you?

If that is a correct copy of the letter, there is no doubt it was.

122. Therefore you were aware when you entered upon the inquiry, that Mr. Edmunds himself had requested that inquiry?

I read that letter.

123. And that letter made you aware that Mr. Edmunds himself had used these words, "my object is a full and open inquiry?"

Yes.

124. Did Mr. Edmunds, having asked for the inquiry, express to you any satisfaction that you and Mr. Hindmarch were appointed to conduct the inquiry?

I really do not know whether he expressed any satisfaction upon that point. I have no recollection of it.

125. Viscount *Hutchinson.*] It appears upon the face of the letter that Mr. Edmunds suggested that another person, namely, Mr. Johnson, should be employed to conduct the inquiry?

I do not recollect that in the least. Mr. Johnson is the solicitor to the Suitors' Fee Fund, I think.

126. Duke of *Somerset.*] You have referred to a variety of regulations which were introduced into the office by Mr. Edmunds after the defalcations of the clerk John Smith, and you have stated that those regulations and orders created confusion and discontent; was not it natural, after there had been defalcations in the office, that new regulations and new orders should be made for the conduct of the business of the office?

Certainly there ought to have been new regulations made.

127. Does it appear to you that those regulations and those orders were made bonâ fide with the intent of preventing future defalcations, or for conducting the business of the office better?

Those that I bear in my recollection at this moment had not reference to any check upon the accounts. For example, there was one which was very much complained of, that the messenger who used to take letters to the post and get luncheons for the different officers had been removed from that duty, and had been put to assist in the library; complaints were made by one and another that they had nobody to take letters to the post or to get their luncheons for them; they were told that they were to get them for themselves; that regulation was very much dwelt upon, and it was said that although it was a small matter, it put some of the officers to great personal inconvenience.

128. You did not trace that the regulations were made with a view of conducting the business of the office in a more regular manner?

Not those regulations which were spoken of as being personally annoying and offensive, and which had created so much discontent.

129. Earl

129. Earl of *Derby.*] Which are the orders to which you referred in your Report as having been hasty and ill-considered?

I think I might mention that one about the library, and the mode of recording those who called to consult the different books. There were Patent Agents and others who came in for that purpose, and we were told that many of the Patent Agents said they should give up coming if they were obliged to make those entries upon slips of paper. They said that the order was so framed that it would be necessary sometimes to cover a sheet of foolscap paper with writing (that was the information given to us) before a man could, according to that rule, have access to the paper or book he desired.

130. By whom was that evidence given to you?

I think by the Librarian.

131. Viscount *Hutchinson.*] What was the Librarian's name?

Mr. Atkinson is one person, but whether it was Mr. Alison or Mr. Atkinson I do not remember.

132. Lord *Chelmsford.*] It was Mr. Atkinson, I suppose. There is a Mr. Atkinson, I see?

There is a Mr. Atkinson, I think. I forget at this moment.

133. Earl *Graham.*] The order from the Commissioners of Patents directing the inquiry runs thus:—"We request you fully to inquire into the charges made against "Mr. Leonard Edmunds, the present Clerk of the Patents, and into those made against "Mr. Bennet Woodcroft"?

Yes.

134. How was it then that you examined into the charges only against one, and not into the charges against the other?

We fully intend to do so at this moment; we have had no time to do it.

135. Do you not think that if you had examined into those charges against Mr. Woodcroft, as he had made charges against Mr. Edmunds, and Mr. Edmunds against him, the result of that examination might have influenced your opinion, to a certain degree, with regard to Mr. Edmunds? Do you not think that you could not form quite a fair opinion upon the charges against Mr. Edmunds until you had examined into those against Mr. Woodcroft?

No; they were totally unconnected in principle. It was stated that Mr. Woodcroft had thrown some patronage into the hands of his brother. There are abridgments of patents, which are constantly made for the use of the public, that are given to young barristers occasionally to do at seven guineas a-piece, or something of that sort. I think it was stated, as one of the charges against Mr. Woodcroft, that he had put into the hands of his brother, who is not a barrister, some of those things. We have not yet fully inquired into it. We intend to do so, if necessary.

136 Viscount *Hutchinson.*] Mr. Edmunds has handed to me a question, with a request that I will put it to you. With respect to this regulation in the library. You say it was very much complained of by the Patent Agents?

I think it was complained of by the Patent Agents, among others. I did not mean to say that it was complained of by them to us; it was represented to us. We did not see the Patent Agents ourselves.

137. Was it represented to you by the Librarian?

It was represented to us by the Librarian or some of the other officers. I think by the Librarian.

138. Do you know how long that regulation was in operation?

I think they told us that they had found it so impracticable that upon their own authority they had disused it; that is my impression.

139. Did they tell you that it was in operation for only one day?

I have no recollection of that.

140. *Chairman.*] In the course of your investigations you came to the conclusion that there were several charges to be made against Mr. Edmunds of a different character from those you had hitherto dealt with, and one was that Mr. Edmunds had from the year 1852 withheld from the public purse large sums of money which he ought to have accounted for and paid quarterly in every year from that time to the present?

Yes.

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141. Earl of *Clarendon.*] For the first three days the inquiry proceeded according to the instructions sent to yourself and Mr. Hindmarch, and at the end of those three days you received information which induced you to stop that course of inquiry, and to branch off into another, which new branch of inquiry has occupied your whole time since then, and which is, I apprehend, one of the reasons why the complaints against Mr. Woodcroft have not yet been investigated. I think that the Committee should know what was the information received by yourself and Mr. Hindmarch which induced you to alter your course of investigation?

I think I can only give perhaps an imperfect account of the way in which it came about. According to the best of my recollection it was thus:—When we were inquiring generally into the mode in which business was conducted, we asked Mr. Ruscoe, who was the deputy of Mr. Edmunds, the way in which he procured stamps for the office, and he said that he bought them. We asked, "With what monies," and he said, "I advanced them."

142. Earl of *Derby.*] You are speaking of Mr. Ruscoe now?

Yes, I am speaking of Mr. Ruscoe. We said we thought it an extremely dangerous and improper thing that a public officer should, out of his private monies, advance money for the public. We thought that it led him to help himself in repayment out of the public monies, and we asked him about what amount he had advanced. He told us he was compensated for that. He said he took the discounts. He then explained to us what he meant by "discounts," namely, the difference between the wholesale price at which the stamps were bought at the stamp office and the prices at which they were retailed to the public; that is to say, to the persons who came with their different instruments to be stamped. He said he took those discounts. I asked him what that amounted to, and he stated either 20*l.* a year or 30*l.* a year. I will not at the moment charge my memory which. In the course of the same afternoon he stated to us that when he said 20*l.* or 30*l.* he meant upon the small stamps. I said, What did it amount to upon the large stamps; and he said, I think, "about 150*l.* or 200*l.* more." I do not pledge myself to those figures. I really cannot recollect the exact figures, but something of that sort took place during that day.

143. *Chairman.*] You make that reservation; not Mr. Ruscoe?

No; that is my reservation. Mr. Edmunds was in the room, and made no observation. I think I made some remark to Mr. Ruscoe upon his having told us the smaller sum first when my question would seem to apply to both. I said, I thought it unsatisfactory. Upon the following day it was stated that Mr. Edmunds had also shared in the discounts.

144. Earl of *Derby.*] Did all this take place within the three days during which there was no shorthand writer present?

I really cannot exactly tell you how these things came out. They came out by small scraps. Quite by degrees. I really cannot say at this moment.

145. That was the first thing which led you to entertain any suspicion upon pecuniary matters?

No; that was what led to something else which I was going to speak of. Upon the following day it was stated that Mr. Edmunds had shared in the discounts, and it was stated in general terms that he took 200*l.* a year, and Mr. Ruscoe took 300*l.* a year. We inquired what it was that could justify public officers in taking discounts upon stamps purchased for the public.

146. Lord *Taunton.*] Who made that statement in the first instance?

I think Mr. Edmunds.

147. Mr. Edmunds himself?

I think Mr. Edmunds himself, and Mr. Edmunds stated that there was the danger of losing money by sending a boy or a servant down to the stamp office, and there was the danger of losing the stamps coming back, and that there was also the responsibility of keeping them safely, and he thought that that justified what had been done, besides the advance of the monies. We asked who advanced the monies. Mr. Edmunds stated that he advanced them out of his own means. He said that he had advanced 500*l.*

148. Did Mr. Edmunds show any desire to conceal those facts?

I am afraid that I can hardly answer that question.

149. *Chairman.*] Will you continue telling your story?

I must say, if your Lordships will permit me, that I was desirous of not telling any story

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story at all, for this reason:—I was sent there with Mr. Hindmarch to receive information, and we got information to the best of our powers, and with the exception of the first three days, this book constitutes the information upon which we have formed our conclusions; and if that body of evidence does not justify us in our conclusions, no doubt your Lordships will reject those conclusions.

150. Lord *Chelmsford.*] It was only on or after the third day that you had the attendance of a shorthand writer, but I dare say you yourself took notes during the first three days. It would be according to your old habits to do so.

Yes, I have got them here.

151. So that you could refer and tell the Committee anything that passed during the first three days, if they desired it?

Yes. I was answering the noble Lord's general question as well as I could. I am sorry I cannot make it shorter, but the statement was that the 500*l.* was advanced out of his own means by Mr. Edmunds in 1853. It was stated that in 1863 a new arrangement was made as to the division of what was called the discounts, that Mr. Edmunds had required the repayment of the advance that he had made, and it was stated that he had received his 500*l.* in a cheque, together with his 100*l.* for discount, for the half year and the cheque was produced.

152. Earl of *Clarendon.*] He required the repayment of 500*l.* which he had advanced; for what purpose?

For the purchase of stamps.

153. And he required re-payment from whom?

From Mr. Ruscoe. There was to be a new arrangement made in 1863. The former arrangement was represented as having gone on for ten years from 1853 to 1863.

154. Between Mr. Ruscoe and Mr. Edmunds?

Between Mr. Ruscoe and Mr. Edmunds, and by that arrangement one had 300*l.* and the other 200*l.* And then a new arrangement was made in 1863, and it was said that the proportions were to be reversed, and this cheque was handed in to us, which led to the principal part of our inquiry into the matter as to which the noble Earl has been just now asking.

155. Lord *Panmure.*] Who is that cheque drawn upon?

It is drawn upon a private bank; the Union Bank, I think.

156. By whom?

By Mr. Ruscoe, and it was passed to the private account of Mr. Edmunds. It states that it is in repayment of an advance (which we were told was 500*l.*), and for half a year's discount for 1863. It is drawn by Mr. Ruscoe upon his private bank, and it was stated that this was paid in to the private account of Mr. Edmunds. That is the cheque.

(*The cheque is handed in, and is as follows*):

"No. I. 80900. London 8th Aug. 1863.

640. THE UNION BANK OF LONDON.

Temple Bar Branch 18 Fleet Street.

Pay Leonard Edmunds Esqre or Bearer Six hundred pounds.

Return of advance for stamps in 1853 and discount on ditto up to 30 June 1863.

£600. — „ — Coutts & Co. S. Ruscoe Jr."

157. Lord *Taunton.*] Mr. Edmunds's private account was at Messrs. Coutts'?

Yes. It was paid in to his private account at Messrs. Coutts'. We expressed a great desire to ascertain how the first 500*l.* in 1853 had been advanced. We asked, "Was it advanced by cheque?" The answer was, "Yes." We said, "Then we must have the pass book," and we pressed it more than once. Mr. Edmunds told us that he could not find the pass book; that it had been lost; and then I stated that sooner or later it must be produced, for if it was not produced we should get a transcript from the bankers. Ultimately it was produced, and they pointed out to us that the 500*l.* which was advanced in 1853 was advanced out of the Patent Office account, which Mr. Edmunds told us consisted of public monies only. That appeared to us to be a serious thing; and when we got the Patent Office pass book, which we had for that purpose only, in passing down it I saw a great number of payments made to the Exche-

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quer, which ceased in 1852. I asked whether any payments had been made since then; and Mr. Edmunds said, "None since 1852." There were the account books before us, which showed the large sums that had been paid into his hands and into Messrs. Coutts for the purpose of being handed over to the Exchequer, and he admitted to us that not one of those sums had been paid over to the Exchequer. At that time we made up our minds that we must pursue that inquiry. I have two copies here of the pass book. I thought they possibly might be wanted (*producing the same*). I have the original pass book here. Almost everything turned upon that pass book.

The pass book is handed in. (*Vide Appendix A., page* 321.)

158. Earl of *Derby*.] Apart from the question of the application, or alleged application, of public money, I understood you to express a strong opinion against the system of obtaining those discounts on the part of an officer of the establishment; is that so?
Yes.

159. Were you aware, or are you aware now, that that practice is at this very moment distinctly sanctioned and recognized in the Patent Office and by the Treasury?
No, I am not.

160. Have you even seen this passage in Mr. Edmunds's answer "Finally, I would "observe, that the discounts on the stamps they purchased at the Stamp Office were "taken openly by me with the full knowledge of the authorities there, as will, I feel convinced, appear by a reference to the books of that office. The requisitions for stamps "have for the last seven years been made in my own name in the following form:—

No. 16. Patents.

Surname of Applicant, Edmunds.

Address, Great Seal, Patent Office, 23 Southampton Buildings.

Number of Stamps.	Stamp Duty.	Total Amount.
	£	£ s. d.
Seventy - -	5	350 0 0
Discount - -		5 5 0
		344 15 0

Are you aware that that is a document which is put in, and receives the regular sanction of the office?
I have not the least doubt about it.

161. *Chairman*.] But that is not the charge which you made?
No; that is not the charge which we made. The charge we made is having purchased those stamps with the public money, and taken the discount himself.

162. Earl of *Derby*.] I understood you, setting apart the question of public or private money, to express a strong opinion of the impropriety of the course pursued by any public officer in purchasing the stamps, and pocketing the discounts.
Certainly; pocketing the discounts.

163. Does not the Patent Office or the Treasury recognize the discounts?
No, not at all.

164. *Chairman*.] It recognizes the discounts, but it does not recognize the destination of that discount.
Yes; that is the whole difference. There is no doubt whatever that until 1849, when the new Act of Parliament was passed, there were great allowances made to any persons, stationers or others, who purchased large quantities of stamps not under 30*l*. at a time, and therefore the Patent Office very properly, having to use a large quantity of them, purchased them at the wholesale price, for which they received the money in due course; that is, the money that is laid upon the table day after day. It appeared to me that the difference between the two prices ought to be credited to the office.

165. Earl of *Derby*.] I am assuming that Mr. Edmunds' statement was correct, that he did advance 500*l*. out of his own pocket. Under those circumstances do you consider it an unjustifiable proceeding that he should be entitled to receive a discount, being permitted to purchase the stamps at the wholesale price?

Not

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Not in the least; with this single exception, that I thought that public money should be used for the purchase of stamps to be used in a public office. I thought that the more wholesome course; but I thought that neither a clerk, nor the head of the office, when buying 30*l.* of stamps or 5*l.* of stamps, ought ever to be called upon to do it with his own money, even if he intends to repay himself out of discount.

166. Is not that a practice which is recognized by the offices?

I have not the slightest notion whether they do recognize it or not. I have not the least idea. But it appeared to me that the essential thing was to find out whether those stamps had been purchased with private or public money. I do not know whether the noble Earl will permit me to call his attention to this point. He seems to be under the impression that I have made an objection to the mode in which those stamps were purchased. The only objection that occurred to my mind was the mode in which the discount had been appropriated. I will read the passage which has been cited. I hold in my hand a copy of "Mr. Edmunds' reply to observations of Mr. John Greenwood, "dated 17th December 1864." Your Lordship will find this passage in it, on the second page: "Mr. Greenwood, in his observations and replies, avoids the question of "discounts altogether. He endeavours to escape from the injustice he and his "colleague have inflicted on me, and he ventures to state this: 'But no such practice "'was objected to by us;' what we objected to was the practice of buying stamps at "wholesale prices with the public money." Now the passage which I wrote is totally distinct from that. The passage which I wrote was this (it is at page 26.): "But no "such practice was objected to by us. What we objected to was the practice of buying "stamps at wholesale prices with the public money, and putting the profits into the "private pocket of a public salaried officer." Now, Mr. Edmunds, in citing that passage, puts a full stop at the end of "with the public money," and thereby totally alters the whole sense of the phrase. I have the two passages together, if your Lordships wish it.

167. Lord *Taunton*.] Taking your charge to its full extent, you have designated that as an unwholesome practice. Are you prepared to go so far as to say that it necessarily implies a deliberate fraud?

No. What I thought was, and still think is, an unwholesome practice, is that any persons in a public office should out of their private pockets go to these outlays for the public. I think it is always better that the public money should be in the first instance applied for all public purposes. They have opportunities of repaying themselves; and that is not a wholesome practice, I think.

168. Earl of *Derby*.] At the same time, if that money had been found by Mr. Edmunds out of his private funds, you would not have considered it a just course of accusation against him?

No.

169. *Chairman*.] The account which you have just given with regard to those discounts relates to the original charge which called your attention to the financial management of the office, and forms the basis of one of the charges which you have brought against Mr. Edmunds in your Report. But there are other charges also. You charge him with having "from the year 1852 withheld from the public purse large sums "of money which he ought to have accounted for and paid quarterly in every year from "that time to the present." Are you still of opinion that he has done so?

More than that, my Lord; but at that time we had not fully investigated the matter. That might lead to the supposition that up to 1852 he had paid everything; but in truth the sum of money that was paid in 1852 was the produce of a part of the year 1850, and since that he had received six payments for six successive quarters, and they were in his hands at the time that he made that payment in 1852.

170. Earl of *Clarendon*.] From whom had he received them?

He had received them in the office from the public.

171. Lord *Chelmsford*.] All this is stated in your Report?

Entirely, every part of it. The question put to me was, whether from 1852 there had been any payments to the Consolidated Fund. That would rather imply that up to 1852 such payments had been made, and therefore I was calling your Lordships' attention to the fact of that sum having been the produce of the year 1850; and before that, in 1844, there was a sum of 1,444*l.*, the half-year's produce of the fees, that has never been paid at all; that was 20 years ago.

172. *Chairman*.] What does the Act of Parliament require as to those payments?

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The Act required that they should be paid into the Exchequer with an account and an affidavit, for the use of the Consolidated Fund.

173. At what periods?
Every quarter.

174. That I think you state was done originally by Mr. Edmunds?
The first four amounts, I think, were paid quarterly. After that I think they were paid yearly, at irregular intervals; and the Act of Parliament was only complied with upon three occasions, so far as we can ascertain. Mr. Edmunds told us that he had made no affidavits at all. In a subsequent part of his examination he stated that he had made one, and that that had been refused at Lord Monteagle's office; but we have found three at the Treasury that he did make, and they are now there; they were made, as the Act directs, before a Master in Chancery, the first before Master William Brougham, the second before Master Roupell, and the third before Master Wingfield.

175. Earl of *Clarendon*.] There have been several allusions to the refusal of the affidavit at the Exchequer. Do you know upon what ground that affidavit was refused?
I went down to inquire there, and I was told by the Deputy Comptroller that he did not recollect such refusal, and that he was quite satisfied that it had not occurred, and he gave me this as his reason:—"I am quite sure that I should not have refused to "receive this affidavit, unless I had previously spoken to Lord Monteagle, and that "would have impressed it on my memory." I am not quite sure whether he mentioned Lord Monteagle, or said merely the Comptroller. But he stated also, I think, "If it "had been presented, I myself might have objected to it, for this reason: we have "nothing to do with accounts or affidavits; we only receive whatever money is paid "in." I said whatever the practice of that office was, if a new Act of Parliament had thrown new duties upon it, I presumed that they would alter the practice accordingly; and I pointed out the terms of the Act, which are certainly rather ambiguous, for it merely states that the money is to be paid into the Exchequer, and an account made, and an affidavit sworn before a Master in Chancery. It does not state who is to receive the affidavit, still less who is to audit the account. But I said, that as there was no third person alluded to, but only the payer and the person to receive the money alluded to in the Act of Parliament, I thought that the proper interpretation would have been that those who received the money were to take the account, and the affidavit also. That was the conversation that passed. Further inquiry was made at the Treasury, and there it appeared that Sir Alexander Spearman, when he was Assistant Secretary to the Treasury, had, after the first or second payment made by Mr. Edmunds, issued a Minute (of which I have a copy here), in which he pointed out that Mr. Edmunds must make his affidavit in a certain form that he prescribed, being that usually made by public accountants, to the effect that to the best of his knowledge and belief that sum comprised all that he ought to pay, and it further said that the course was that he ought to bring to the Treasury his account and affidavit prescribed by Act of Parliament, together with the Exchequer receipt. I have been shown at the Treasury the three first affidavits that I have already mentioned to your Lordships.

176, Then this new form that was drawn up, and this course of proceeding that was arranged and pointed out by the Treasury, were communicated to Mr. Edmunds?
Certainly.

177. And he acted upon them for a certain space of time?
I have only traced his acting upon them once. He made his affidavit in the form which I presume he thought proper, at first, but, after that particular course was pointed out by Sir Alexander Spearman in the Minute, the next affidavit was made in that form, since which I do not know that any other was ever made.

178. In what year was that?
It must have been in 1834.

179. To your knowledge was there any call made upon Mr. Edmunds to continue this form of payment, or to make this specified affidavit; in short to account to the Treasury for his receipts.
I know of none.

180. That rather brings me to ask you a question upon this passage in your Report, page 9, in which you say, "the money having been thus received from the Treasury, the tradesmen's bills, &c. were paid, and in process of time their receipts were sent to the Treasury, and compared (with more or less strictness) with the corresponding items of the requisition; but nobody attending personally, and there ended the audit, if it can be so called,

called, of Mr. Edmunds' half yearly accounts (or requisitions) with the Treasury." You say "with more or less strictness" It seems to me to be, according to this, rather a negligent mode of auditing at the Treasury. What do you know about this audit?

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It has reference to an entirely different branch of the whole affair. All the amounts that were received in the Patent Office, all those fees that were received for the abolished offices, were by Act of Parliament, as we have stated before, to be paid over to the Consolidated Fund. Besides that, the Treasury used to have requisitions made upon them half-yearly by Mr. Edmunds for advances of public money, wholly irrespective of the receipts of the office, with one exception (which I will mention presently), for tradesmen's bills. He used to send a list of the bills he had incurred during the last half year, and on the other side there was but a single item of credit, which was the amount of money received for the sale of specifications; I think that was the only item upon that side.

181. *Viscount Hutchinson.*] That is only since 1852?

That is only since 1852. I am speaking of the practice described by Mr. Edmunds. He would ask for a sum of 400*l.* for incidental expenses, and that was advanced to him by the Treasury, and in process of time the tradesmen's bills, the list of which was upon the right-hand side of the account sent in, were paid, and their receipts were sent to the Treasury. I have seen one copy where some clerk has put ticks, which are merely to show that they have seen at the Treasury the vouchers for them; that was of course an audit, not of the fees we speak of, at all, but only of the expenses of the office.

182. Was there any audit of those fees?

I should think none, under the Act of Parliament, as far as I can judge. Your Lordship can judge as well as I. But the Legislature seems to have thought that the proof of the amount having been delivered in and accepted at the Exchequer upon the affidavit of the accountant was all that was needed.

183. *Chairman.*] Do you consider that it is owing to the vagueness of the directions contained in the Act of Parliament that those defalcations with which you charge Mr. Edmunds were not previously discovered?

I do not know how to answer that question. Perhaps if the Comptroller of the Exchequer had seen it, and if his attention had been drawn to it, I should imagine that he would have construed the Act in the same way that I have; namely, that the money, the account, and the affidavit were all to be delivered into the Exchequer. I conceive that there ought to be some rule by which the accountant should be called upon to make a settlement once a quarter upon the days prescribed by the Act of Parliament, for a particular day in every quarter is prescribed.

184. Viscount *Hutchinson.*] I think you have stated that some time, not very long after the appointment of Mr. Edmunds to this office, a letter was written to him by Sir Alexander Spearman, then the Secretary to the Treasury, directing him to lodge at the Treasury an affidavit with an account, and the receipt of the Exchequer for his quarterly payments of the fees money?

Yes, for the fee money, that is to say, the fees received in the office for the Consolidated Fund; not the monies about which I have been asked before, the expenses of the office.

185. Does not it appear extraordinary to you that when Mr. Edmunds ceased to lodge those affidavits and accounts and receipts of the Exchequer no notice was taken of that by the Treasury; for nearly thirty years, from the year 1834 to the year 1863, the Treasury seems to have taken no notice whatever of the circumstance?

I cannot say.

186. Earl *Graham.*] It appears that neither the Treasury nor the Exchequer took any notice of it?

I am not competent to form a judgment upon that; that part of the Treasury is perfectly distinct from anything that I have to do with. I am told that there was a change of financial clerks, and it might have escaped everybody's recollection. But I cannot say anything either for or against them.

187. *Chairman.*] Another charge you make against Mr. Edmunds is that he has drawn large sums out of the public monies of his office to his own use, and has given no account of such sums?

If your Lordship will do me the favour to look at the pass book, you will see that that begins almost at the first page. The first entry of that sort is, "To your private account, 187*l.* 15*s.* 6*d.*"

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188. Lord *Chelmsford.*] What is the title of the book?
"Leonard Edmunds, Esquire, Patent Office Account." The address is, 121, Regent Street,' altered afterwards to "21, Berkeley Square." This is the pass book, headed "Patent Office Account, Leonard Edmunds, Esquire, with Messrs. Coutts & Co.," and this that I hold in my hand is a transcript of what was handed to me by Mr. Leonard Edmunds.

189. Earl of *Derby.*] It begins I see in November 1833?
Yes; that is the first entry.

190. And it is continued down to when?
It continues down to April the 27th, 1864. In the first page there are three drafts to private account of 187*l.* odd, 180*l.* odd, and 100*l.*, and in the next page, "To your account, 148*l.* 9*s.*"

191. "To your private account, 229*l.* 11*s.*?"
Yes, there is that entry; and then in 1835, "To your account, 100*l.*" "To yourself, 50*l.*," that is in 1836; and then on August 3d, "To your private account, 99*l.* 7*s.* 6*d.*" March 7th, 1837, "To your private account, 100*l.*," and in December, "To your account, 150*l.*," and then afterwards to bearer, 50*l.*, and so forth. I said we should desire to have an account of those monies. It had been stated by Mr. Edmunds that the monies which had been paid in to Messrs. Coutts' consisted of public monies, and then, it appearing that a number of these sums had, as far as we could judge from the way the pass book was made up, been paid to the private account, we desired to know for what reason they were transferred to the private account.

192. Lord *Taunton.*] Do you mean transferred from the public account with Messrs. Coutts to Mr. Edmunds' private account with Messrs Coutts?
I have never seen Mr. Edmunds' private account at all, but it is entered here "To your private account."

193. Where these transfers from the public account kept by Mr. Edmunds to his private account; is that what you mean by transferred?
I cannot tell. I have no materials except these.

194. Earl of *Derby.*] Did you examine Mr. Edmunds with this pass book in your hands, and call his attention to these payments specially, and ask him to account for them?
Yes; every one of them.

195. Did he give you no account of them?
None.

196. Lord *Clarendon.*] He gave no account as to the transfer from the public to his private account?
None.

197. Lord *Taunton.*] You are not sure that there was any such transfer, are you?
I know nothing, except what I saw in the pass book.

198. Viscount *Hutchinson.*] The two accounts seem to have been mixed up together?
They are mixed up. At the end there is a sum of 1,450*l.* received from the private account.

199. Lord *Taunton.*] Do you apprehend that this book contains an account of Mr. Edmunds' monies, both as clerk of the Patent Office and in his own capacity, or does it also contain other pecuniary transactions of Mr. Edmunds?
We were told that he had a public account and a private account. I would much rather that your Lordships should eventually look at the evidence; but the effect of it was this, we were told that the monies consisted of public monies, except where there had been any mistakes, and then there had been occasionally a transfer with a view of correcting any mistake. The last sum paid from the private account, 1,450*l.*, was stated by Mr. Edmunds to be for the purpose of making up the balances; that was his expression.

200. Earl of *Derby.*] "February 3rd, 1863. By receipt of your account 1,450*l.*"
Yes. If your Lordships will do me the favour to refer to page 73 of the shorthand writer's notes, question 2123, you will find this: "*Mr. Greenwood.* Do you keep more "than two accounts at Coutts's?—*Mr. Edmunds.* Yes; there are several trust accounts "of various kinds, but there was a private account and a public account. There was a "public Patent Office account?—Yes. Was that confined to public monies disbursed "and received?—*Mr. Edmunds.* Not entirely. There were some things going into it every

" every now and then that ought not to be there. *Mr. Greenwood.* They were there " by accident then?—Yes, more by accident than design. And when discovered they " were transferred?—Yes. *Mr. Greenwood.* The account was intended for public " monies received by you, and held by you to be accounted for to the public, and " on the other side disbursements were made by you for the public?—Yes. *Mr. Green-* " *wood.* The account was confined to that, but occasionally was varied by inadvertence? " —Yes. I propose to deal with that book, and I think it is a reasonable proposition " that I should be allowed time to supply full accounts, beginning from the beginning " of that book. I propose to put in a yearly account, year by year, showing the " receipts and payments in each year; and I propose that the consideration of that " account shall be postponed until I am able to do that. I think it is a reasonable " proposition, and if you postpone it I will put everything in in writing. And you will " vouch the contemporaneous entries in some way or another?—*Mr. Edmunds.* Yes. " *Mr. Greenwood.* We cannot object to that;" and then Mr. Hindmarch says, " No; " but we cannot suspend our inquiry," and so on. Then there is some more I need not detain your Lordships with; but towards the end of page 73, at question 2145, Mr. Hindmarch says, " I find a balance here struck, ' June 1863,' 4,810*l.* 1*s.* 7*d.*?—Yes. " *Mr. Hindmarch.* That is carried forward, and then in 1864 there is a payment, " ' Mr. Ruscoe, 30*l.* 14*s.* 6*d.*,' and there is a receipt from Mr. Ruscoe of 116*l.* 17*s.* 10*d.*, " so that I think there is 4,900*l.*, and there does not seem to have been any receipt or " payment of any consequence since 1863?—No. *Mr. Hindmarch.* If this be public " money which you are receiving and paying, what I want to know is, how is it, con- " sidering that the Treasury accounts are all paid and settled up once every half year, " that there is no dealing with this account?—*Mr. Edmunds.* That is a matter to be " explained in the accounts that I will supply. *Mr. Hindmarch.* And I should ask " to whom that money belongs?" Then, " *Mr. Greenwood.* Yes, to whom does that " 4,810*l.* belong?—It is the public money. *Mr. Greenwood.* Was that book ever " exhibited to any public officer?—Never. *Mr. Greenwood.* Then, if you were to die " accidentally, without a will, what would become of it?—It is there for the public. " *Mr. Greenwood.* The public know nothing of it. Why should you keep all that " money in hand?—*No answer.* In June 1858 I find that there is a balance of 3,309*l.* " I find that whenever there is a balance, that it is above 3,000*l.* There is a balance at " one time as high as 7,256*l.*?—Yes; that is at times when there were large sums in " hand." If your Lordships will look at the beginning of the next column, at question 2166, you will find this: " *Mr. Greenwood.* Since August 9th, 1852, I do not find that " there has been any payment to the Exchequer, although there are very large balances; " are you in a position to tell us why you have not paid any accounts into the Ex- " chequer?—*Mr. Edmunds.* Not at present. Will you allow me a reasonable time, " and I will put in an account of the whole matter. *Mr. Greenwood.* These are ques- " tions not to be answered by accounts?—No; I am aware of that. *Mr. Greenwood.* " It is a remarkable fact, that throughout you pay considerable sums to the Exchequer, " and that in August 1852, that is more than twelve years ago, you seem to have ceased " to make any payment to the Exchequer, although large balances are in your hands. " I want to know whether you can explain that? *Mr. Edmunds.* I cannot reasonably."

201. Lord *Taunton.*] Was this amended account ever put in by Mr. Edmunds?

No; we have never had that account at all. In our Preliminary Report we said that there was a sum of 2,681*l.* due. That merely comprehended the amounts that were paid into Mr. Edmunds' hands every half year for the Consolidated Fund from 1852. That paper (*producing a paper*) will give your Lordships an idea of the mode in which the accounts were made out. Transcripts of that were put into Mr. Edmunds' hands, and there was a sum put down, so much for the Accountant General, and so much for the Consolidated Fund.

202. *Chairman.*] Who kept this account?

It was kept by Mr. Ruscoe, and he said that it was constantly shown to Mr. Edmunds; the transcript itself was put into Mr. Edmunds' hands every half year, and with it were a couple of affidavits, one for the purpose of being handed in to the Exchequer, and the other for the purpose of being handed in to the Accountant General. And Mr. Ruscoe stated that invariably Mr. Edmunds swore the affidavits verifying the account for the Accountant General, and that he, Mr. Ruscoe, used to go and make the payment, and that he believed, up to the time of our inquiry, that Mr. Edmunds had also sworn the other affidavit, and that he had carried the money down to the Exchequer. Mr. Ruscoe stated that it was only upon our inquiry that he became aware that the affidavits had not been sworn and lodged, and that the money had not been paid.

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203. Viscount *Hutchinson.*] Mr. Ruscoe did not state, I suppose, did he, that Mr. Edmunds has told him that he had lodged the affidavits?

No; I do not recollect any such distinct statement as that; to the effect that Mr. Edmunds had told him so.

204. Earl of *Derby.*] I think you have stated that the accounts which Mr. Edmunds undertook to put in have never been put in.

No. He said that he would give us a detailed account of all the transactions. I know nothing of such an account, unless he would mean this, that after we had made a Report of 2,681*l.* being due as I mentioned, he made an application to the Treasury to be allowed to pay in what was due from him. A letter, as I understand, was then written to him, to know for what amount the "receivable order" should be made out, and the answer from Mr. Edmunds was that it should be made out for 7,872*l.* odd. Therefore it was made out, and their Lordships sent to Mr. Hindmarch and myself a copy of the letter which Mr. Edmunds had sent. They informed us of the fact, and we made a joint report to the Treasury, that it would be highly useful for us in our inquiries to know how the 7,872*l.* was made up, and the Lords of the Treasury asked Mr. Edmunds for it, and he made a return. I think the return that he made is Account B in the printed papers.

205. Viscount *Hutchinson.*] It is signed by him, and dated 23d December 1864; it is at pages 66 and 67?

Yes. This is the original, signed by Mr. Edmunds; it was communicated to us by the Treasury.

The same is handed in.

206. Earl of *Clarendon.*] I presume that this account is the same as that which is appended to your Second Report?

Yes; but the summings up have been inserted. I think it is so stated. The summing up does not appear in the original account; it is merely for the purpose of information.

207. This was the account furnished by Mr. Edmunds in reply to the inquiry of the Treasury as to how that sum of 7,872*l.* was made up?

Yes.

208. The Treasury sent that account to yourself and Mr. Hindmarch?

Yes, at our request.

209. Did you enter into any investigation of the account, to endeavour to ascertain whether it was correct?

Yes; we have done a vast deal in that way.

210. In the investigation of this Account B.?

Yes; in our Second Report there is a great deal about it. The way in which we ascertained the monies which ought to have been paid was an extremely laborious one indeed, because there were no accounts kept of the monies received, except for some detached years. There was what is called a docket book, which is a description of the different patents applied for, whether for dignities, or for inventions, or for charters, or other matters. There is a known fee paid upon all of them, and therefore, having the docket book, you can tell exactly the sum that ought to be paid; and that is the account which we have made up (*producing an octavo Blue Book*). There are several copies of that book; it is certainly a formidable looking book. Your Lordship will have the kindness to look at 1845; you will see the matter which is referred to in our Second Report. I was asked whether we had taken any pains to ascertain the correctness of Mr. Edmunds' Return, and my reply is, that that is the way we ascertained what *ought* to have been paid.

211. Duke of *Somerset.*] You have stated in your Preliminary Report that impediments were thrown in your way in conducting the inquiry, and you point to Mr. Edmunds and Mr. Ruscoe as having thrown those impediments in your way; is not that so?

Yes.

212. In what way were impediments thrown in your way in conducting the inquiry?

In our judgment, by evasive answers.

213. Do you mean by withholding correct information?

We had what, in our judgment, we considered (we may be mistaken) great difficulty in extracting things from them which from their knowledge of the business we imagined they could have given us with much greater freedom. It is a general expression, but I think it is quite well founded.

214. You state also in another part of the Report that you had great difficulty in obtaining the pass book, which you have handed in now to the Committee?
Yes.

215. Was it at the time when Mr. Edmunds saw that there was a charge made against him as to the misappropriation of public money that he wished to withhold from you the pass book that he had at Messrs. Coutts' bank?
I asked him, I think, more than once, for the pass book, and I think upon one occasion when it was promised it was not produced, and I gave him two warnings then, and at another time. I could refer, if your Lordships would give me time, to the warnings given to him, and to a statement made by myself to the effect that sooner or later that pass book must be produced, or there should be a transcript made of the bankers' book, and I had actually written a requisition to the bankers to furnish such a transcript, as well as a letter from Mr. Edmunds, which I intended to desire him to sign, asking them to comply with the requisition. After the third or fourth inquiry the pass book was produced. It was stated at first that it could not be found.

216. Was there any other document that was withheld from you in the inquiry except the pass book which you have mentioned?
That I cannot tell, because there were several books which did not cover the time which we inquired into, and we pressed very much indeed to have others. For example, there was a fee book which ought to have told the exact fees. I have two fee books outside now, but they do not cover the whole time. There is a statement, I think, made in the Second Report, showing for what time they produced the fee books, and we could get no satisfactory reason why the fee books were not kept during the whole time; in truth the only account of the monies actually received was made up as a sort of calculation. This (*producing a red book*) is a diary in which Mr. Ruscoe stated that he put down the names of the different documents that were applied for during the day, and then he said, knowing what quantity of stamps would be required for them, he put down the amount at the bottom, and that was the way in which the cash account was kept. This Patent Office Account which I produced just now begins from 1842. We were told that there was no earlier book than that; whether such a book was withheld or not I cannot say.

217. Earl of *Malmesbury.*] You have no earlier book?
We have no earlier book of that sort, namely, the Patent Office Account.

218. Duke of *Somerset.*] You were directed to inquire into the charges against Mr. Edmunds, and also into the charges against Mr. Woodcroft; as I understand, you have not inquired into any of the charges against Mr. Woodcroft; is that so?
They have been only incidentally mentioned. We have not intentionally inquired into them at all. We intended to take the head of the office first, calling upon the others to give us a general account of their duties; and that we strove to do for a long time, until we were turned on one side, very much against our will, and ultimately we fell upon this amount of default, and went off entirely upon that point.

219. As you have looked into the mode of conducting the business of the office, and the irregularities of the office, did it appear to you in any portion of the inquiry that Mr. Woodcroft had any handling of the monies that passed through the office as well as Mr. Edmunds?
No. I do not recollect at this moment that he had anything to do with them at all, as I understand it. The receipts of the office were entirely in Mr. Ruscoe's hands, with the exception of the sale of specifications, and that was in Mr. Woodcroft's department. The statement made to us was, that Mr. Smith, or whoever received the monies, handed them over every day to Mr. Duffield, and Mr. Duffield, at the end of every week handed them to Mr. Ruscoe. I do not recollect at this moment any monies passing through Mr. Woodcroft's hands. I may be wrong in that, for we have not inquired into it.

220. Though you have not reported in any way upon the charges made against Mr. Woodcroft, you have recorded that Mr. Woodcroft and the other officers in the Patent Office have one and all worked early and late to further the objects of your investigation. You therefore report that you received the greatest assistance from Mr. Woodcroft and all the other officers, in contradistinction to the impediments which were put in your way by Mr. Edmunds and Mr. Ruscoe; is that so?
If your Lordship will forgive my saying so, I am sorry to say that that paragraph was put into the Report against my will. Mr. Hindmarch put it in. I said, I think, it is a little too soon; they have been extremely useful to us. I would rather conclude the

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joint Report before acknowledging it. I think they have been extremely useful, and sooner or later we shall do them justice. But I gave way to Mr. Hindmarch, and it was put in the Report. I made use of some familiar expression on it, and said that it did not appear to me to be quite relevant to the matter which we were reporting upon; but they were very useful to us, and in fact one of them made that book, which is a work of immense labour (*pointing to the octavo blue book*).

221. You were asked also, when you were appointed by the Commissioners of Patents, to favour them " with any further views which in the course of these inquiries might " occur to you as tending to increase the usefulness of the Office." They would, I suppose, mean by " the usefulness of the office " the mode of conducting the business of the office. Does it not appear to you that there were great deficiencies, not only in the persons who conducted the business, but in the regulations of the office themselves, so that there was no proper audit of the accounts?

We have talked over, incidentally, a great number of alterations which we propose eventually to recommend.

222. In your two Reports to the Commissioners you have as yet not touched upon that important part of your inquiry, have you?

Not in the least.

223. *Chairman.*] Is there anything else which you think it important that we should know with reference to your inquiry?

No. I do not mean to say that there is not a vast quantity of information collected, but I have not any desire to give it. I may say that the existence of certain documents has been denied; for instance, there was a paper which was handed across the table to us by Mr. Edmunds, in which he said, " I admit the wrong in relation to the nonpayment with sorrow." I stated that in one of my Reports; and in his reply to that Report he doubts the existence of that paper. I have got it in the room, and can put it in if you please.

224. Lord *Stanley of Alderney.*] Is that matter not included in the Report?

Yes; it is in the observations I made upon his statement. In his reply he says that he does not recollect the document.

225. *Chairman.*] Does that appear in the evidence?

It appears in the statement of Mr. Edmunds, not in the evidence; it would not appear there; it was handed across the table.

226. Lord *Panmure.*] In what part of Mr. Edmunds' observations is that to be found?

I cannot at the moment recollect.

227. Earl of *Derby.*] Is it in the answer of the 20th of September?

It is in the rejoinder of Mr. Edmunds to my observations upon his statement. That is the paper that was handed across the table to us voluntarily (*producing a paper*).

228. Lord *Chelmsford.*] By Mr. Edmunds?

By Mr. Edmunds.

229. *Chairman.*] Will you read it?

" I admit the wrong in relation to the nonpayment with sorrow. I hope no further " remarks may be made at this moment in the presence of the audience. Woodcroft is " talking much out of doors on these subjects."

230. Lord *Chelmsford.*] Could you tell us in what part of the examination that paper was handed in?

According to my recollection, it was after we had inquired why those sums that had been received since 1852 had not been paid in. He then put in this paper; he handed it across the table to me. That was on the 28th of June.

231. Earl of *Derby.*] Mr. Edmunds says, " I have no recollection whatever of this " paper. If any such memorandum was written at all it was hastily written at the " moment, and was obviously never intended to be used in evidence of admissions, or in " any way."

232. Lord *Chelmsford.*] When Mr. Edmunds handed that paper to you did you make any observations to him?

I think I stated that we could have no secrets. I said I did not know that it was necessary to make an observation calculated to give pain; but at all events Mr. Hindmarch and I could have no secrets. I think upon the same day, shortly after that, he handed

handed a paper across, which I also have somewhere, asking whether the other parties might withdraw, and I again said, "Mr. Hindmarch and I cannot have any secrets." I said to the gentlemen, "You had better withdraw now, but if anything is said by "Mr. Edmunds in your absence which in justice and fair play you ought to hear, it "shall be repeated to you;" and then they withdrew. Then Mr. Edmunds asked that the shorthand writer might also withdraw, because he wanted to make a communication in private. I said, "No; that cannot be; we must have a record; we have the fullest "confidence in the discretion of Mr. Snell" (the gentleman who attended as shorthand writer); but we said that whatever he stated he must state to us in his presence. Then Mr. Edmunds said, "I intend to repay this money to the Exchequer." I said, "In what way?" His answer was, "In the regular way." I said, "You must act upon your own "judgment; we can give you no directions, nor offer any suggestions. You must "exercise your own judgment."

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233. Lord *Chelmsford.*] Mr. Edmunds has stated that he requested at some part of the investigation, probably about this time, a more private investigation and hearing. Was it in consequence of that that you then directed the persons to withdraw, or upon what account?

I do not recollect his asking for a private investigation.

234. What made you ask the persons to go out of the room?

He handed a paper across the table, asking that the audience might withdraw.

235. Have you got that paper?

I think I have got it. That is the paper.

The same is handed in, and is as follows:

"After the room is cleared, will you allow me to say a few words?"

236. Earl of *Derby.*] Mr. Edmunds says, "I objected, as I also reasonably might, to a "rough overhauling of my private affairs and private banker's accounts in the presence "of an assembly of clerks, brought in by Mr. Woodcroft for his own ends and gratifica- "tion, from day to day, and every day during the sitting of this inquisition, in neglect "of their proper employment in the office. I requested a somewhat more private inves- "tigation and hearing."

That is the request that I have handed in.

237. Lord *Chelmsford.*] I suppose the paper you have just produced is in the same state that you received it from Mr. Edmunds? I observe that there is something torn off the paper.

It is in exactly the same state.

238. Earl of *Derby.*] I observe that Mr. Edmunds goes on to say, "This most "reasonable and proper request was met by Mr. Greenwood in these words: 'This "is an open Court.' It was not an open Court in any sense; and it was never con- "sidered an open Court by Messrs. Greenwood and Hindmarch until that moment; for, "from the first day, and on each succeeding day, they inquired and took careful notes "of the names, occupations, and supposed business there of each person present"?

I never stated that. I never said "This is not an open Court." I pledge my oath that that is not a true statement.

239. The statement is that you said, "This is an open Court"?

I pledge my oath that I said neither the one nor the other.

240. Earl of *Clarendon.*] You said something to the effect that there must be no secrets?

Yes, I did; but as to its being an open or not an open Court I said nothing whatever. I only declined to receive anything at all as a confidential communication.

241. Lord *Chelmsford.*] Did Mr. Woodcroft attend during the whole of the examination?

I should think not; but he was constantly running in and out whenever he liked, and so did the rest of the officers of the establishment. Upon the 5th of July the particular sums were made out by Mr. Hindmarch, and the paper I now hold in my hand was prepared.

242. Earl of *Derby.*] Which particular sums do you refer to?

The sums that we reported eventually in the Preliminary Report to have been unpaid, amounting to 2,681*l.* I cast them up, and Mr. Hindmarch cast them up, and somebody

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else also. We did not make them exactly tally, and we asked Mr. Edmunds to assist us, that we might all agree. And an endorsement was made upon that paper by Mr. Hindmarch in Mr. Edmunds' presence, and it was read over to him aloud.

243. Earl of *Clarendon.*] The endorsement was made by Mr. Hindmarch, with your concurrence?

Yes; I was sitting by him.

244. *Chairman.*] Will you read the endorsement?

"This account, prepared and shown to Mr. Edmunds, 5th July 1864. Mr. Edmunds "admits the account to be correct, and that Mr. Ruscoe sent him a formal account and "affidavit to be sworn, as directed by the statute 3 & 4 Will. 4. c. 84, in respect of "each of the within items. Shown to Mr. Edmunds, 'Yes'." That being read out, Mr. Edmunds said "Yes," and that word "Yes" I wrote down at the time.

245. Earl of *Derby.*] That endorsement does not bear Mr. Edmunds' signature?

No. The paper related to that sum which we reported in our Preliminary Report to have been at all events unpaid to the public revenue.

246. Earl of *Clarendon.*] Is that the 2,681*l.*

Yes; the 2,681*l.*

247. Earl of *Malmesbury.*] Further on, in Mr. Edmunds' observation, after what you denied having said what you did about the open Court, he says that an altercation took place, because he attempted to set Mr. Ruscoe right when he misunderstood your questions?

I was not aware of that.

248. He says, "Perceiving that he" (Mr. Ruscoe) "was browbeaten and confused, "and that he did not correctly understand the question put to him as to the accounts, I "did from time to time interfere to put him in the right direction. This gave great "offence, and I was desired by Mr. Hindmarch, with extreme violence and passion, to "hold my tongue (or words to that effect), and not to interfere with the witness. He "was backed by his colleague in this, but with less violence. I insisted on my right, "and that Mr. Ruscoe should be allowed to understand the questions put to him; and "thereupon a violent altercation ensued." Then he goes on to say, "They never heard "me at all in any sense on the subject of the discounts." Is that the fact?

I have not the slightest idea of what that refers to; and there was no altercation from the beginning of the inquiry to the end, that I should so designate. I swear most positively that I have not the least notion of what he is referring to. Mr. Hindmarch might have told him, for aught I know, not to interrupt, but I do not recollect the circumstance, nor do I know what he alludes to.

249. He says "They never heard me at all in any sense on the subject of the discounts."

We examined him at great length on the subject of the discounts.

250. Lord *Panmure.*] Did Mr. Ruscoe make any objections to the mode in which you carried on your examination of him?

Not the slightest.

251. Earl of *Clarendon.*] We shall find the examination of Mr. Edmunds with respect to the discounts upon the shorthand writer's notes, I suppose.

Yes.

252. Lord *Stanley of Alderley.*] Have you any other information that you think would be useful to communicate to the Committee which is not contained in your Reports bearing upon the subject?

No. What I expected, or else I should have been better prepared for my examination, was, that I might have been allowed to put in the two Reports, and the evidence upon which they were founded, together with those documents without which the Reports would not have been understood. If I had known that so much detail was to be gone into, I should have given your Lordships less trouble.

253. Lord *Clarendon.*] But you are aware now that your two Reports have been referred to the Committee, and read by the members of the Committee?

Yes.

254. Lord *Panmure.*] How did the question of discounts first arise?

In ascertaining how the stamps were procured.

255. It is stated further on in this paper of Mr. Edmunds upon your Report, that "when the question of discounts, raised by Mr. Woodcroft, in private communication "with Messrs. Greenwood and Hindmarch" and so forth. Had you any private communications with Mr. Woodcroft upon the subject of these discounts? *Mr. J. Greenwood, Q.C.* 16th Mar. 1865.

We had this communication. On the first day Mr. Ruscoe stated, as I mentioned before, that he received 20*l.* or 30*l.* a year, and in the course of the afternoon he brought it up to 200*l.* or 300*l.* On a following morning, when we arrived, there was a paper, which I believe was in Mr. Woodcroft's hands, saying something to this effect: "If you "will make further inquiries, you will find that the discounts were much larger." Upon that we acted, and made the inquiries. That was the only private communication, if it can be called a private communication, delivered as it was to us sitting there.

256. *Chairman.*] Will you hand in your two Reports?
The Reports themselves the Commissioners of Patents have; we have not got them.

257. *Lord Chelmsford.*] The printed papers are correct, I suppose?
Yes, I suppose so.

The Reports are handed in. (*Vide Appendix A., page* 327.)

258. *Chairman.*] Will you also hand in an account of the fees received?
One page tells you the whole. It is for the purpose of showing how the account is made out. There is the Consolidated Fund in one column only, 6*l.* 8*s.* 4*d.*, that runs through the book till 1845. Then a small sum is not credited to the public which we have remarked upon, 12*s.* 10*d.* taken for each skin, which amounts to 3,000*l.* odd, which sum we have reported to be withheld from the public. That account is made out by a gentleman who is now outside, Mr. Pemberton Gipps, an accountant at the Museum, from the docket books I have described, and which he has with him. Whenever we can compare it with the fee book that was kept it tallies almost exactly; but there is no doubt as to the amount of fees, 6*l.* 8*s.* 4*d.* each, which ought to have gone to the Consolidated Fund, until you come to the 1st of January 1845, and then 12*s.* 10*d.* is taken away from that time to this.

259. Lord *Chelmsford.*] For a skin of parchment?
Yes; from the 1st of January 1845.

260. Viscount *Hutchinson.*] I see in some instances that the charge is even less?
I have not looked in the red book at all.

261. I find a Patent for an office?
That is a different fee.

262. You stated in your evidence that when you were directed to hold this inquiry, certain papers, letters, and correspondence were placed in your hands, which consisted of complaints on the part of Mr. Edmunds against Mr. Woodcroft, and on the part of Mr. Woodcroft against Mr. Edmunds. I think that if these papers are in existence it would be well that we should have them, and then we should see the origin of the whole affair?
I think they are not connected with these reports; there was no accusation thrown in them upon Mr. Edmunds' accounts.

263. Lord *Stanley of Alderley.*] They were charges about disputes in the office, were they not?
They were charges about disputes in the office, and there was a charge made by Mr. Edmunds against Mr. Woodcroft, affecting his honour, because it said that he had patronized his brother in giving him little duties to perform; but there was no charge against Mr. Edmunds respecting the accounts.

264. Earl of *Derby.*] Who was this copy of the pass book made by?
One copy was made by Mr. Hindmarch's clerk, and the other has been made by somebody at the Patent Office. I suppose they may be taken as correct.

265. Lord *Chelmsford.*] It depends upon Mr. Edmunds whether he will admit that they are correct copies?
I have looked at them from time to time, and they appear to be so. I gave directions that they should be made exact copies, even to imitate the erasures.

266. You have not examined them sufficiently to say that they are correct copies?
No.

267. Unless Mr. Edmunds considers that it is sufficiently evident that they are correct copies we must keep the original?
I will leave the original.

Mr. L. Edmunds.

16th Mar. 1865.

Mr. LEONARD EDMUNDS called again.

268. *Chairman.*] You have heard the evidence which has been given by Mr. Greenwood?
Yes.

269. We propose to hear your evidence, and we wish to know whether you will be prepared or not to give it to-morrow, or whether you wish for time to consult your legal adviser?
I shall be ready to-morrow. I place myself in your Lordships' hands.

270. Will you be prepared with your adviser to-morrow?
Upon further consideration, I wish to place myself in your Lordships' hands entirely.

271. Lord *Chelmsford.*] You do not desire to have a legal adviser?
It would be of no use. I should not be able to give him instructions. It would be of no value.

272. *Chairman.*] The Committee are prepared to give you time till Monday, if you wish to communicate with your legal adviser?
I do not wish the Committee to be delayed in its proceedings.

273. Lord *Taunton.*] You will understand you are at liberty to bring any legal adviser you wish?
If your Lordships will allow me I will bring a gentleman who will sit behind and take notes of any papers that may be required, but not to interfere.

274. Lord *Panmure.*] He might assist you by making suggestions upon paper of anything that occurred to him?
I think not. I should want him more as an assistant, to take notes now and then of any papers that might be required. I do not propose to have him here in the capacity of a legal adviser.

275. Lord *Taunton.*] You understand that the Committee do not wish to interfere with your discretion upon that subject?
Yes. I will place myself in your Lordships' hands. I shall tell the whole truth.

276. *Chairman.*] Have you any witnesses you desire to be called before the Committee?
At present I do not think I have; if I have I will apply to your Lordships in the course of the inquiry.

The witnesses are directed to withdraw.

Ordered, That the Committee be adjourned till to-morrow, Twelve o'clock.

Die Veneris, 17° *Martii* 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Mr. LEONARD EDMUNDS is called in, and further examined, as follows:

Mr. L. Edmunds.

17th Mar. 1865.

277. *Chairman.*] In the first place I will ask you whether you would wish Mr. Hindmarch to be examined or not?

I think not, as at present advised.

278. Lord *Chelmsford.*] The Committee does not consider that for the purposes of the inquiry Mr. Hindmarch's presence is necessary, but if you wish that Mr. Hindmarch should be examined the Committee will yield to your request?

Perhaps hereafter I may desire it, but as at present advised I do not.

279. *Chairman.*] Have you thought it necessary to bring any legal adviser with you to-day?

No, I have not. My present legal adviser would be of no use. I have had no time to instruct him.

280. You have read the Preliminary Report of Messrs. Greenwood and Hindmarch, dated the 12th of July 1864, have you not?

Yes.

281. Lord *Chelmsford.*] There was a letter written by your solicitor, I suppose at your request, asking for time to prepare your reply, dated the 18th of August 1864, was there not?

Yes.

282. Will you hand it in?

The same was handed in, and is as follows:

"51, Lincoln's Inn Fields,

My Lord, 18th August 1864.

I have found it absolutely necessary to consult counsel on the subject of Mr. Edmunds' reply to the Report of Messrs. Greenwood and Hindmarch, and your Lordship's letter of the 25th ult. containing the charges against him; and although we have made considerable progress in the reply, I am obliged, in consequence of the absence from town at this season of the year of our legal adviser, to ask that your Lordship will be pleased to extend the time for completing Mr. E.'s answer to the allegations and charges in the Report and letter until the 20th of September next.

For my own personal convenience I would not ask your Lordship to extend the period of reply; but I cannot take upon myself, alone and upon my own responsibility, so delicate and important a matter as the framing of Mr. E.'s answer to the Report. I have, consequently, thought it right to consult a gentleman of eminence at the bar.

Mr. L. Edmunds. 7th Mar. 1865.

He is unfortunately obliged to go out of town immediately with his family, but he will take the papers with him, and let me have them back in time to enable me to send the reply to your Lordship without fail by the day I name.

There are no questions of money payments involved in this request for further time. The whole amount of balances due have been ascertained, and on Monday last I applied at the Exchequer and Treasury to pay over the whole amount, but was informed that the money could not then be received pending the discussion on the accounts.

Certain most important Patent Office account books had been taken by Mr. Greenwood, and being there under lock and key I was not permitted access to them until after a correspondence with Mr. G., who, like the rest of the legal profession, is absent from town, and even then I was only allowed an inspection of them at Mr. G.'s office.

I mention this as another reason why I am satisfied your Lordship will see right to grant an extension of the time fixed by your Lordship's letter of the 9th instant.

I have the honour to remain,
My Lord,
Your Lordship's most obedient servant,
JAMES LEMAN."

The Right Hon.
The Lord High Chancellor,
&c. &c. &c.

283. An extension of time was given you upon that application?
Yes, to the 20th of September.

284. *Chairman.*] Upon the 20th of September 1864 you made a statement in reply to the Preliminary Report of Messrs. Greenwood and Hindmarch?
Yes.

285. Will you hand it in?
Yes. (*The same was handed in. Vide Appendix A., page* 355.)

286. You have had an opportunity of reading the "Remarks of Mr. Greenwood on Mr. Edmunds' statement," dated the 29th of October 1864?
Yes.

287. And also the "Remarks of Mr. Hindmarch on Mr. Edmunds' statement," dated the 1st of November 1864?
I have not had an opportunity of reading that paper, for it reached my hands for the first time on Saturday last the 11th of March; it was sent on that day by the Lord Chancellor's secretary to Mr. Leman. It was laid upon the table of the House on the 9th of March. The Lord Chancellor received it, no doubt, on the 1st of November and put it aside, probably by mistake. At any rate I never saw it until last Saturday, therefore of course I had no opportunity of answering it.

288. Earl of *Derby.*] You are speaking now of Mr. Hindmarch's remarks upon your statement, which appear at page 27 of these papers?
Yes.

289. *Chairman.*] You state that you have only had since Saturday last an opportunity of reading these remarks?
Yes; it is impossible that I can make anything of it. It appears however to be very much the same as Mr. Greenwood's.

290. Earl of *Malmesbury.*] Did you mention the 11th of March as the date when you received that paper?
Yes; on the evening of last Saturday it was sent to Mr. Leman for the first time.

291. Earl of *Clarendon.*] But if I understand you rightly you say that it appears to be only a repetition or a development of what was contained in the former paper?
I have only had time to skim over this statement of Mr. Hindmarch's; but, although I think there is some new matter, the principal part of it appears to be much the same. I think I can, in answering Mr. Greenwood's statement, deal with it too.

292. Earl of *Derby.*] Do you recollect when you received Mr. Greenwood's remarks which are dated the 29th of October 1864, and to which you sent an answer on the 17th of December?
I do not recollect the date. I think very soon, within probably a week or ten days after the date.

293. These remarks of Mr. Greenwood are dated the 29th of October, and the remarks of Mr. Hindmarch are dated the 1st of November?
Yes.

294. Can you at all account for the circumstance of your having received a copy of the one and not having received a copy of the other? *Mr. L. Edmunds.* 17th Mar. 1865.

I think your Lordship will perceive that I have answered Mr. Greenwood's observations, and remarked upon the fact that they were only the observations of Mr. Greenwood. I was taken very much by surprise on Saturday by the receipt of the other document.

295. Then having only seen the remarks of Mr. Greenwood you put in the answer to them on the 17th of December 1864?

Yes.

296. Will you hand in that answer of yours?

The same is handed in. (*Vide Appendix A., page* 373.)

297. *Chairman.*] You had an opportunity of hearing the evidence given by Mr. Greenwood yesterday?

I heard a part of it, but sitting behind him I did not hear a great deal. I think I should prefer, if your Lordships would permit me, to have a copy of the print of Mr. Greenwood's evidence; it may be necessary for me to make remarks upon that evidence.

298. The Committee are very anxious, as serious charges have been made against you, that you should have the fullest opportunity of answering them in the way you may think most convenient for your own defence. You stated yesterday that the manner in which you would prefer to be examined would be that you should take your own answers to the Preliminary Report, and go seriatim through that Report. Is that still the mode that you would prefer?

That is the mode.

299. You are aware of certain articles having been drawn up by the Lord Chancellor, or by his legal adviser, when there was a question of taking legal proceedings against you, and that they were referred to three Judges in Chancery?

Yes.

300. That comprises four distinct charges?

Yes.

301. Would it be equally convenient to you to be examined upon those four charges as in the mode you propose? The Committee will do what you wish on that subject.

I would prefer to take my several answers to the statements, and go through them seriatim.

302. Earl of *Derby.*] Is this the letter that was forwarded to you by the Lord Chancellor's Secretary to which the noble Chairman has referred (*handing a paper to the Witness*)?

Yes, I have no doubt that it is.

303. That letter was received by you?

Yes.

304. Will you hand it in?

Yes; it is a letter to me from the Secretary of the Lord Chancellor, dated the 25th of July 1864.

The same is handed in, and is as follows:

"Sir, House of Lords, 25th July 1864.

By virtue of the power vested in the Lord Chancellor by the Act of the fifth of Victoria, chapter five, section forty-nine, you are required to appear before the Lord Chancellor and the Vice-Chancellors Sir Richard Torin Kindersley and Sir William Page Wood, at the Lord Chancellor's private room at the House of Lords, on Monday next the first day of August now next ensuing, at half past ten of the clock in the forenoon, to show cause why you should not be removed from your office of Clerk of the Patents, upon all, some, or one of the following grounds; that is to say,

First. For having, between the 23d day of August 1853 and the present time, in concert and combination with Thomas Ruscoe, improperly caused to be obtained, and applied partly to your own use and partly to the use of the said Thomas Ruscoe, allowances of discounts to a large amount upon the prices of stamps purchased from Her Majesty's Stamp Office for use in Her Majesty's Patent Office;

Mr. L. Edmunds.

17th Mar. 1865.

such stamps having been purchased with public monies, for which you, or the said Thomas Ruscoe to your knowledge, was accountable to Her Majesty.

Secondly. For having improperly retained in your hands or under your control, between the 9th of August 1852 and the month of July 1864, without duly paying the same over into Her Majesty's Exchequer, divers large sums of money received by you for fees on patents which ought to have been from time to time during that period paid by you into Her Majesty's Exchequer.

Thirdly. For having from time to time improperly caused to be transferred to the credit of your private account with Messrs. Coutts and Company, bankers, from a separate account kept by you with the same bankers for the public purposes of Her Majesty's Patent Office, and having applied to your own use, divers sums of public money for which you were accountable to Her Majesty.

Fourthly. For having improperly retained in your hands until some time after the same had been made the subject of inquiry by Her Majesty's Commissioners of Patents, a sum of three hundred and ninety-nine pounds seven shillings and four-pence, part of a sum of seven hundred and forty-nine pounds seven shillings and four-pence, paid by or on behalf of one J. S. Smith, a clerk lately employed in Her Majesty's Patent Office, for the purpose of making good public monies received in the said Patent Office, which had been by the said John S. Smith improperly applied to his own use.

The particulars of all which several charges are fully stated in a certain Report made to Her Majesty's Commissioners of Patents by John Greenwood, Esquire, Q.C., and William Matthewson Hindmarch, Esquire, Q.C., under an inquiry for that purpose directed by the said Commissioners, and which Report bears date the 12th day of July 1864, a copy of which is left herewith.

I am, &c.

(Signed) Augustus B. Abraham,
Principal Secretary.

To Leonard Edmunds, Esq.,
Clerk of the Patents."

305. *Chairman.*] Your statement in reply begins with an allusion to a communication which you received, calling upon you to appear before the Lord Chancellor and two of the Vice-Chancellors to show cause why you should not be removed from the office of Clerk of the Patents, upon some or one of four grounds or charges specifically alleged?

Perhaps your Lordship will allow me to read the passage, "On the evening of "the 25th July last I received from your Lordship a communication calling upon me "to appear on the forenoon of the 1st day of August following, before your Lordship "and two of the Vice-Chancellors, to show cause why I should not be removed from "the office of Clerk of the Patents upon some or one of the four grounds or charges "specifically alleged, and referring me for the particulars of the charges to a Report, "dated the 12th July 1864, made to Her Majesty's Commissioners of Patents by John "Greenwood, Esq., Q.C., and William Matthewson Hindmarch, Esq., Q.C., under an "inquiry for that purpose directed by the Commissioners. Your Lordship will probably "recollect that so long previously as the early part of 1863, having both attained the "age (60) and completed the term of public service (30 years) which were requisite "to entitle me to the usual superannuation allowance, I applied to your Lordship for "leave to resign my offices of Clerk of the Patents and Clerk to the Commissioners "of Patents, requesting at the same time your Lordship's kind assistance in obtaining "from the Treasury the allowance to which I was entitled."

306. Lord *Chelmsford.*] Do you think it necessary to read the whole of this, seeing that the Committee have all read it?

I wish it to appear.

307. Earl of *Derby.*] The Committee wish you to read whatever you think necessary?

I wish to read to the end of the following paragraph: "Upon the perusal of the "Report my previously existing desire for retirement revived with additional force. "It was evident to me, for reasons which I will explain more fully presently, that I "could not hope to retain, with advantage to the public service, the offices of the Clerk "of the Patents and Clerk of the Commissioners of Patents; and an intimation was "therefore made to your Lordship that I was prepared to resign those offices. In "answer, I was informed by a written communication from your Lordship, that if I "thought proper to surrender the offices, and would undertake forthwith to account

" for

" for and pay over to the Treasury all sums of money due from me as Clerk of the " Patents, the proceedings fixed for the Monday following would not be taken. It was, " however, added, 'The Lord Chancellor will take the opinion of Lord Cranworth and " Lord Kingsdown as to the course which, under all the circumstances of the case, it " will be the duty of his Lordship to adopt with reference to the office of Reading " Clerk and Clerk of the Private Committees held by Mr. Edmunds in the House " of Lords.' On the following day (the 30th July), the offices of Clerk of the Patents " and Clerk of the Commissioners of Patents were surrendered to your Lordship, and " an undertaking to account given, and at the same time time a hope was expressed that " your Lordship would think it right not to take the opinion of Lord Cranworth and " Lord Kingsdown until your Lordship should be in possession of my answer to the " Report of Messrs. Greenwood and Hindmarch. In reply a communication, dated " 8th August, was received from your Lordship's Secretary, in which, after explaining " that the delay in replying had been caused by your Lordship's illness, it was stated, " that your Lordship had treated the Report,' being the result of inquiries made in " Mr. Edmunds' presence, as an admitted document, and transmitted it to Lord " Cranworth and Lord Kingsdown;' however, your Lordship added that you would " gladly afford me full opportunity of explanation and answer." I will now read a memorandum of my own. " The Lord Chancellor told the story of the Preliminary " Report of Messrs. Greenwood and Hindmarch in detail to Lords Cranworth, Chelms- " ford, and Kingsdown, on Monday the 25th of July last " (that is 1864), " at one " o'clock, whilst sitting together in a Select Committee of the House of Lords on the " Judgments Bill."

308. *Chairman.*] How were you aware of that fact?
I can hardly say. I understood it. It was told me.

309. You were not present?
I was not present.

310. Do you remember who told you?
I do not.

The witness was directed to withdraw.

After a short time the witness is again called in.

311. *Chairman.*] The Committee are desirous that you should understand that while they wish to give you the fullest opportunity of giving any explanations you wish to give, it is necessary to confine your evidence to things of which you have a personal knowledge?

I will endeavour to do so. I will now continue my statement. " The Lord Chancellor " served me with a copy of the Preliminary Report, together with his letter of charges, at " 8 p.m. on the same day (the 25th of July), by the hands of Mr. Johnson, the solicitor " to the Suitors' Fund. The Report is dated the 12th of July, is addressed to the Lord " Chancellor, and it must, therefore, have been in his Lordship's possession from that " date to the 25th (13 days). No notice was given to me in the interval between the " 12th and 25th of July, either by the Lord Chancellor, by Messrs. Greenwood and " Hindmarch, by Mr. Johnson, or by any other person whatsoever, of this Report, or that " any such document was in contemplation or composition. I was kept in entire " ignorance of its existence. The Lord Chancellor's letter of charges, with the copy of " the Report, served upon me as above mentioned on Monday the 25th of July, at " 8 p.m., ordered me to attend the Lord Chancellor and Vice-Chancellors Wood and " Kindersley at 10 a.m. on Monday the 1st of August, to show cause why I should " not be removed from the office of Clerk of the Patents upon all or some one of the " charges therein set forth, thus allowing me barely six days, including the Sunday, to " prepare to meet a long detail of grave charges,—to put me on my trial for life, so to " speak, at six days' notice. The Lord Chancellor stated to Mr. Leman on Thursday " the 28th of July, on his asking him whether I might be allowed to appear by Counsel " before him (the Lord Chancellor) and the two Vice-Chancellors on the said 1st of " August, that 'counsel would not be allowed to attend'; the refusal of counsel being " the more extraordinary, considering that the Lord Chancellor was not only one of the " judges to try me, but also the prosecutor and counsel for the prosecution. I was to " go bare-headed and undefended before these three judges. I may consider that I was " driven out of the office at the point of the bayonet."

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312. Was the statement you have just spoken of made in writing or verbally to your solicitor?
Verbally.

313. It was made to your solicitor?
Yes, to Mr. Leman. Mr. Leman made the application verbally to the Lord Chancellor, and the Lord Chancellor replied, using these words: "Counsel would not be "allowed to attend." Those were the words that Mr. Leman reported to me.

314. Lord *Chelmsford.*] I suppose you desired or requested Mr. Leman to call upon the Lord Chancellor, and ask for permission for you to appear by counsel?
Yes, I did.

315. And Mr. Leman told you that that was the answer he received from the Lord Chancellor?
Yes, that was so.

316. *Chairman.*] In what sense do you consider that the Lord Chancellor was the prosecutor and counsel for the prosecution?
I conceive that the Lord Chancellor ordered these proceedings. I can point to the letters.

317. Duke of *Somerset.*] Did you not yourself request to have an inquiry into the state of the office?
Yes, in the first place.

318. Were you then surprised that such an inquiry should be ordered, after you had yourself asked for it?
No, certainly not.

319. Were you dissatisfied with the persons who made the inquiry?
I was, certainly, during the progress of the inquiry.

320. But were you at first, when you heard that Messrs. Greenwood and Hindmarch had been appointed to conduct the inquiry, dissatisfied with such appointment?
No.

321. Lord *Taunton.*] I think you went further than that. I think you expressed your satisfaction that those gentlemen had been chosen?
No, I did not.

322. Earl of *Malmesbury.*] You became dissatisfied as the inquiry proceeded?
Yes, I became dissatisfied afterwards, as I stated, with their course of proceeding. I conceived that the Lord Chancellor was the prosecutor and counsel for the prosecution upon this inquiry before the three judges; that was what I meant to convey.

323. Earl of *Derby.*] In consequence of that refusal to allow you counsel, what was the next step which you took?
I considered that I was, as it may be said, driven out of the office at the point of the bayonet. I had no time to consult counsel. I had no chance within the six days to consult counsel, and I was so taken aback with the virulence and violence of this Report, that I gave in at once.

324. You mean that you gave in the resignation of your office?
I gave in the resignation of my office. It was an ill-advised act, and I have never ceased to regret it. I ought to have met the inquiry even bareheaded and unassisted as I was.

325. Lord *Chelmsford.*] What course did you take in giving in your resignation? Did anybody call upon the Lord Chancellor, and say that you were prepared to resign your office?
Mr. Leman did so.

326. When did Mr. Leman call upon the Lord Chancellor?
On the Thursday.

327. The Thursday before the Monday upon which you were to appear?
No; it must have been the Wednesday. I think it was the Wednesday; the 28th of July.

328. *Chairman.*] The letter of Mr. Leman is dated the 30th of July?
That is later.

329. Lord *Chelmsford.*] What did you desire Mr. Leman to communicate to the Lord Chancellor upon your behalf?
I desired him to communicate to the Lord Chancellor my resignation; that was upon the Thursday, certainly.

330. Did you desire him to communicate simply that you were prepared to resign your office, or what?
That I was prepared to resign the office, and that I would undertake to satisfy the Treasury upon all money questions at once.

331. Duke of *Somerset.*] "To account for and pay over to the Treasury all sums of "money due from you?"
Yes; words to that effect.

332. Lord *Chelmsford.*] After Mr. Leman had seen the Lord Chancellor, and had communicated what you had desired him to communicate, was a letter received from the Lord Chancellor's principal Secretary, dated 30th of July?
No; the 29th of July.

333. On the 29th of July 1864 this letter was received from the principal Secretary addressed to Mr. Leman:—"I am directed by the Lord Chancellor to inform you, that "if Mr. Leonard Edmunds thinks proper to surrender his office as Clerk of the Patents "forthwith, and also his office as Clerk of the Commissioners of Patents, and will under-"take forthwith to account for and pay over to the Treasury all sums of money due "from him as Clerk of the Patents, the proceedings on Monday next will not be "taken." You recollect that letter being received, I dare say?
I have it before me.

334. Earl of *Derby.*] Had Mr. Leman, by your desire, made any offer to the Lord Chancellor of your resignation between the 28th of July, when you were informed that you could not be allowed counsel, and the date of his letter, namely, the 29th?
Yes, he had, on the preceding day; that would be upon the 28th.

335. Upon receiving the refusal to be allowed counsel, you desired Mr. Leman, on your part, at once to send in your resignation?
Yes.

336. Was that resignation sent in in writing?
It was sent in in writing upon the 30th.

337. Was that tender of resignation of the office of which you have spoken made in writing or verbally?
It was made verbally.

338. In consequence of that tender, did you receive upon the following day, the 29th of July, a letter from the Lord Chancellor's Secretary, stating the conditions upon which he was willing to accept your resignation?
Yes.

The same is handed in, and is as follows:

"Sir, House of Lords, 29th July 1864.

I am directed by the Lord Chancellor to inform you, that if Mr. Leonard Edmunds thinks proper to surrender his office as Clerk of the Patents forthwith, and also his office as Clerk of the Commissioners of Patents, and will undertake forthwith to account for and pay over to the Treasury all sums of money due from him as Clerk of the Patents, the proceedings on Monday next will not be taken. The Lord Chancellor will take the opinion of Lord Cranworth and Lord Kingsdown as to the course which, under all the circumstances of the case, it will be the duty of his Lordship to adopt with reference to the office of Reading Clerk and Clerk of Private Committees held by Mr. Edmunds in the House of Lords.

I am, sir,
Your obedient servant,
(Signed) Augustus B. Abraham,
Principal Secretary."

James Leman, Esq.

339. In consequence of that letter did Mr. Leman write to the Lord Chancellor upon the next day, the 30th of July?
Yes, he did. But there is an intervening letter of the 30th of July 1864 from the Lord Chancellor's Secretary which is not printed.

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340. Lord *Chelmsford.*] We have it printed. It is a letter from the Lord Chancellor's Secretary to Mr. Leman: "The Lord Chancellor directs me to say that Mr. Leonard "Edmunds must give the proposed undertaking in writing signed by him, and witnessed "by yourself, and that it must be concluded before one o'clock to-day, in order that his "Lordship may give notice to the Vice-Chancellor that the inquiry on Monday is not to "be proceeded with. If this is not done the matter must proceed."
Yes; it is a pressing letter.

341. Upon the same day, the 30th of July, did Mr. Leman then write to the Lord Chancellor that letter which is printed in the papers before us?
Yes.

The same is handed in, and is as follows:

"51, Lincoln's Inn Fields,
My Lord, 30th July 1864.

I have the honour to acknowledge the receipt of your Lordship's letter of the 29th instant, and in reply I beg to state that I am authorized by Mr. Edmunds to say that he forthwith surrenders his office of Clerk of the Patents as also the office of Clerk of the Commissioners of Patents, and that he undertakes at once to account for and pay over to the Treasury all sums of money due from him.

Mr. Edmunds hopes, however, that your Lordship will think it right not to take the opinion of Lord Cranworth and Lord Kingsdown as to the course which, under all the circumstances of the case, it will be your Lordship's duty to adopt with reference to the office of Reading Clerk in the House of Lords, until after your Lordship is in possession of and has considered his (Mr. Edmunds') answer to the Report of Messrs. Greenwood and Hindmarch.

I have the honour to remain,
My Lord,
The Right Hon. Your Lordship's most obedient servant,
The Lord High Chancellor, (Signed) James Leman."
&c. &c. &c.

342. In that letter was contained your resignation?
Yes.

343. Will you hand it in?
Yes.

The same is handed in, and is as follows:

"To the Right Honourable Lord Westbury, Lord High Chancellor of Great Britain.

I hereby surrender the combined offices of Clerk of the Patents and Clerk of the Commissioners of Patents.

(Signed) L. Edmunds."
Witness, James Leman."

344. That resignation was sent in Mr. Leman's letter of the 30th of July?
Yes; in which letter Mr. Leman protests against the Lord Chancellor taking the opinion of Lord Cranworth and Lord Kingsdown until after his "Lordship is in possession "of and has considered" my answer to Messrs. Greenwood and Hindmarch's Report.

345. *Chairman.*] It is using rather too strong an expression to say that Mr. Leman "protests;" all he says, is, he hopes that the Lord Chancellor "will think it right not to "consult Lord Cranworth and Lord Kingsdown."
Yes; but it was intended as a protest.

346. Earl of *Derby.*] That has reference to the office of Reading Clerk of the House of Lords?
Yes.

347. Lord *Panmure.*] I think, if I read it rightly, Mr. Leman merely expresses your hopes that the Lord Chancellor will not think it right to proceed.
Yes.

348. Earl of *Derby.*] Will you continue your statements?
The next letter is a letter from the Lord Chancellor's Secretary to Mr. Leman of the 8th of August 1864.

349. *Chairman.*] Before that there is a letter from the Lord Chancellor's Secretary of the 5th of August?
It was a letter to Mr. Hamilton; I knew nothing about it.

350. What is the letter of the 8th of August?
It is dated "1, Hyde Park Gardens, West, August 8th, 1864."

351. Lord *Chelmsford.*] Whom is it addressed to.
To Mr. Leman. It is from the Lord Chancellor's Secretary.

352. Will you hand it in?

The same is handed in, and read as follows:

"1, Hyde Park Gardens, W.,
Sir, 8th August 1864.

I am directed by the Lord Chancellor to send you his compliments, and to express his regret that illness has delayed his communicating with you respecting the wish expressed by Mr. Edmunds that he might have an opportunity of explaining some parts of the Report of Messrs. Greenwood and Hindmarch.

The specific charges extracted from that Report, and delivered to Mr. Edmunds, and the day fixed for hearing him on those days, namely, last Monday the 1st of August, were all intended to afford Mr. Edmunds the fullest opportunity of disproof or explanation; and as he declined to avail himself of them the Lord Chancellor treated the Report, being the result of inquiries made in Mr. Edmunds' presence, as an admitted document, and transmitted it to Lord Cranworth and Lord Kingsdown.

But notwithstanding this the Lord Chancellor will gladly afford Mr. Edmunds full opportunity of explanation and answer, particularly if you will superintend his defence, which the Lord Chancellor trusts will be done, as on the occasion of a former complaint and inquiry the statements of Mr. Edmunds were so vague and so intemperate in expression as to be rather injurious than the contrary.

At the same time, as this subject has occupied a long period of investigation, and it must be brought to a conclusion, the Lord Chancellor expects that Mr. Edmunds' explanation will be sent to him within a fortnight from this date.

He will request Lord Cranworth and Lord Kingsdown to suspend any opinion in the interval.

I am, &c.
James Leman, Esq. Augustus B. Abraham."

353. Have you any remark to make upon that letter?
I have to remark that the fullest opportunity of disproof was barely six days allowed for preparation. As to this being an admitted document, it was not an admitted document, because I had never seen it until two days before I resigned.

354. Lord *Taunton.*] What document do you speak of?
The Preliminary Report of Messrs. Greenwood and Hindmarch.

355. *Chairman.*] I thought you had seen the Preliminary Report of Messrs. Greenwood and Hindmarch before you tendered your resignation?
I had never seen it until two days before.

356. Earl of *Clarendon.*] Was it not six days before?
Not before tendering my resignation. I received it at 8 o'clock, p.m., on the Monday, and the tender of my resignation was on the Thursday.

357. You received it six days before the Monday upon which the proceedings were to be taken?
Yes; six days before the proceedings were to be taken.

358. Lord *Chelmsford.*] You received it six days before you were required to attend before the Lord Chancellor and the two Vice-Chancellors, but only two days before the tender of your resignation?
Yes; two days before my resignation was tendered.

359. Lord *Panmure.*] Did you apply to the Lord Chancellor for any prolongation of the period beyond the day which he had fixed for hearing you upon those charges?
No, I did not.

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360. Earl of *Clarendon.*] You stated, I think, that you would not allow that this was an admitted document, because you had not seen it?
Because I had seen it so short a time.

361. Earl of *Malmesbury.*] How do you understand the expression "admitted document"?
I understand that it was meant that I admitted all the allegations therein contained.

362. Viscount *Hutchinson.*] That you made no defence in fact, and consequently that it was all true?
Yes.

363. *Chairman.*] One of the principal statements referred to the sum of 2,681*l.*, which you were stated to have been indebted to the public for not having paid it into the Exchequer; that was an admitted account by you, was not it?
It was so far admitted that I said I believed it was so, or something to that effect.

364. You do not dispute this statement in the Preliminary Report, do you? "The "last-mentioned account was shown to Mr. Edmunds, 5th July 1864. Mr. Edmunds "admits the account to be correct, and that Mr. Ruscoe sent to him a formal account "and affidavit to be sworn as directed by the Statute 3 and 4 Will. 4. chapter 84. in "respect of each of the within items?"
Something to that effect passed. I do not believe that I distinctly admitted it.

365. Earl *Graham.*] You made no admission to the Lord Chancellor at all of any thing, did you?
No.

366. Lord *Chelmsford.*] You were present when Mr. Greenwood was examined yesterday. Did you hear him state that that balance of 2,681*l.* was ascertained by him and Mr. Hindmarch, and that you assisted them in summing up the items, and ascertaining that balance?
Yes; I looked over it as they went on. I did not dispute it. I believed it to be correct, as far as it went.

367. Lord *Stanley of Alderley.*] You stated, did you not, that you received a letter from the Lord Chancellor's principal Secretary, asking you if you had any further explanations to give to be submitted to Lord Cranworth and Lord Kingsdown?
I will read my memorandum. "The Lord Chancellor stated to Mr. Leman at the "interview above mentioned (the 28th of July, that was the first interview), and after- "wards by letter on the following day (the 29th), which is the letter I have already "read, that he (the Lord Chancellor) will (writing in the future tense) take the opinion "of Lord Cranworth and Lord Kingsdown 'as to the course which, under all the "'circumstances of the case, it will be his duty to adopt with reference to the office of "'Reading Clerk to the House of Lords.' Mr. Leman replied on the following day to "the Lord Chancellor's letter of the 29th, hoping that he, the Lord Chancellor, 'will "'think it right not to take the opinion of Lord Cranworth and Lord Kingsdown,' "until after he (the Lord Chancellor) 'is in possession of and has considered his "'(Mr. Edmunds') answer to the reports of Messrs. Greenwood and Hindmarch.' This "letter was delivered to the Lord Chancellor on the afternoon of that day (the 30th of "July) in Lincoln's Inn Hall by Mr. Leman, who saw it into his lordship's hands sitting "on the bench." No answer whatever was made to this letter of the 30th of July until the 8th of August. That is the letter that is not printed. "It was conceived not to be "possible that the Lord Chancellor could proceed otherwise than in accordance with the "reasonable request contained in Mr. Leman's letter of the 30th, and it was not then "known that he had already endeavoured to ascertain the opinions of Lord Cranworth "and Lord Kingsdown upon an ex parte statement. Copies of the Preliminary Report, "a document of 47 sheets of brief paper, were made forthwith, and such copies were "transmitted by the Lord Chancellor to Lords Cranworth and Kingsdown, with letters "accompanying them, requiring their opinions on Monday the 1st of August, two days "after the receipt of Mr. Leman's letter of the 30th of July."

368. Lord *Chelmsford.*] We have before us now the letter which was sent to Lord Kingsdown in one of these additional papers; it is dated 1st of August 1864?
Yes. That is the letter to which I am alluding.

369. Lord *Panmure.*] You knew nothing of the contents of that letter of the 1st of August?
No.

370. Lord *Chelmsford.*] Will you be so good as to read the letter which is in the printed paper before us?

The same is read and is as follows:

"1, Upper Hyde Park Gardens, W.,
August 1, 1864.

My dear Lord Kingsdown,

Mr. Leonard Edmunds is an officer of the House of Lords. He holds two appointments, and is removable from office by the Lord Chancellor, either at pleasure, or at all events for good and sufficient cause. I assume the latter. Mr. Edmunds being also Clerk of the Patents (an office on the Petty Bag side of the Court of Chancery) and Clerk to the Commissioners of Patents (under the Act of 1852), very grave charges were in 1863 and the present year brought against him for misconduct. Mr. L. Edmunds desired that a full investigation should be made by two gentlemen of rank and character. With his entire assent, I named Mr. J. Greenwood, Q.C., one of the Solicitors to the Treasury, and Mr. Hindmarch, Q.C. These gentlemen entered on their duties more than two months ago. They conducted their inquiries in the presence of Mr. Edmunds, calling on him for statements and explanations on every head.

The document which accompanies this letter is the Report which they have found it right and necessary to make.

On receiving this Report I deemed it necessary that proceedings should be taken to remove Mr. Edmunds from his offices as Clerk of the Patents and Clerk to the Commissioners of Patents, unless he was able to make a good defence to the charges contained in the Report. The Attorney General accordingly embodied the effect of the statements in the Report in distinct charges, a copy of which and also a copy of the Report were delivered to Mr. Edmunds, with a notice requiring him to appear before the Lord Chancellor and the Vice-Chancellors Sir R. T. Kindersley and Sir W. P. Wood (that being the tribunal by statute), to show cause why he should not be removed from his office. This day, the 1st of August 1864, was the day appointed for hearing. Mr. Edmunds took the advice of Mr. James Leman, an able and experienced solicitor, President of the Incorporated Law Society. Mr. Leman having fully examined the matter, requested me to allow Mr. Edmunds to resign. I stated to Mr. Leman that I could not do so without the concurrence of the other Commissioners (viz., the Master of the Rolls and Attorney and Solicitor General), and *then only* on the terms of Mr. Edmunds undertaking to account for and pay over to the Treasury all monies due from him forthwith, and also with an intimation that I should place the Report, as an admitted statement, in the hands of your Lordship and my Lord Cranworth, which I now do, and request your Lordships to favour me with your opinion, *whether it is consistent with my duty to the House of Lords and the Public to allow Mr. Edmunds to remain an officer of the House of Lords.*

Mr. Edmunds accordingly elected to resign his offices of Clerk of the Patents and Clerk of the Commissioners. This resignation is attested by Mr. Leman. With the consent of the Master of the Rolls and Law Officers, I have accepted it.

Whether he ought to be deprived of his other offices is now the question, on which I beg the aid of your Lordship's opinion, and that of Lord Cranworth.

Believe me, my dear Lord,
Yours very sincerely,

The Lord Kingsdown. WESTBURY."

371. Below that letter you see the statement, "Similar letter to the preceding to Lord Cranworth."

Yes.

372. Lord *Taunton.*] You have yourself read this letter, have you not?

I have seen it.

373. Lord *Panmure.*] You knew nothing of this letter before you saw it in the Committee Room to-day, did you?

It was sent to me on Saturday.

374. Earl of *Derby.*] You knew nothing of the letter until you saw this printed paper?

Until I saw the printed papers I knew nothing of this letter, except that I knew that some such letter had been written on the 1st of August. And my complaint, if I may

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use the expression, is that the Lord Chancellor, notwithstanding the letter expressing the hope and protest that he would abstain from communicating with Lord Cranworth and Lord Kingsdown until he had my replies communicated to him on the Saturday, did, on the Monday, transmit to Lord Cranworth and Lord Kingsdown the Report with the letter in question.

375. Lord *Stanley of Alderley.*] Had you any reason to expect that the Lord Chancellor would have complied with your request, and would not have communicated the Report to Lord Cranworth and Lord Kingsdown.

In justice I had every reason to expect it.

376. You had no communication from the Lord Chancellor to that effect?

No. He made no communication to me until the letter of the 8th of August. He did not answer the letter of Saturday the 30th July until the 8th August.

377. Earl of *Malmesbury.*] What you required was time, was it not?

What I required was that this communication, and the endeavour to obtain the opinions of Lord Cranworth and Lord Kingsdown, should not be pressed upon them until they had in their hands my replies.

378. Lord *Stanley of Alderley.*] Did you not a short time back say that a letter had been received by Mr. Leman from the Lord Chancellor's principal Secretary, offering you some further time, or the fullest opportunity of disproof and explanation? You were proceeding just now to read that letter.

Yes; that is the letter of the 8th of August.

379. Duke of *Somerset.*] Did I rightly understand you to state that when you received this Preliminary Report you were anxious naturally to answer it?

Yes.

380. You were anxious to answer it, in order to justify your character as connected with the Patent Office, without reference to your position as the Reading Clerk of the House of Lords; is that so?

Yes.

381. Then I find that you state this at the outset of your statement to the Lord Chancellor:—"But for your Lordship's determination to take the opinion of the noble Lords named," that is, Lord Cranworth and Lord Kingsdown, "respecting the course to "be adopted with reference to the office held by me in the House of Lords, I should "probably not have troubled your Lordship with any statement in answer to the "charges contained in the Report." Did you not write that?

Yes, no doubt.

382. How do you reconcile it with your present statement that you were naturally anxious to vindicate your character as connected with the Patent Office?

That was one reason. You will observe also that I use the word "probably." I say, "I should probably not have troubled your Lordship."

383. Is that passage what you wrote?

Yes, no doubt.

384. Lord *Chelmsford.*] What follows appears to state the reason:—"However "exaggerated I might consider that Report, it would have seemed to me out of place to "expect your Lordship to enter upon the consideration of counter statements and "contradiction respecting matters the investigation of which might be considered as "rendered irrelevant by your Lordship's acceptance of my resignation, coupled with my "undertaking to account?

Yes; I meant by that that I should not have troubled the Lord Chancellor; that I should have made my defence to the Treasury.

385. Duke of *Somerset.*] That you would have made your defence to the Treasury, and not to the Lord Chancellor?

Yes; not to the Lord Chancellor, if it had not been for his threat to take measures as to my office in your Lordships' house.

386. Lord *Panmure.*] Why should you have made any defence to the Treasury? Had the Treasury ever called upon you to make any defence or explanation whatever as to what had occurred in the Patent Office?

The matter of accounting was with the Treasury.

387. But

387. But the Treasury had not called upon you to make any representation to them, had they?
I expected they would, no doubt. The matter of accounting was not with the Lord Chancellor; it was with the Treasury entirely.

388. Duke of *Somerset.*] You did not consider yourself responsible to the Commissioners of Patents, but to the Treasury?
To the Treasury in all matters of account. I never accounted to the Commissioners of Patents in any shape.

389. Why then did you resign your office; because you were not allowed counsel before the Lord Chancellor, when you considered that your case was to be adjudged by the Treasury?
The accounting to the Treasury comprised the whole of it.

390. That was a matter of money?
The whole was a matter of money. The whole question was a question of accounting. It was directed that I was to account to the Treasury by the Lord Chancellor at the time of my resignation, and I undertook to account to the Treasury.

391. Earl of *Derby.*] After the letter of the 8th of August, what was the next step taken?
The Lord Chancellor transmitted the Report to Lord Cranworth and Lord Kingsdown upon the 1st of August, two days after the receipt of Mr. Leman's letter of the 30th of July, hoping that he would think it right not to take their opinions at present. I may observe, also, that the Lord Chancellor is mistaken in this statement, that he treated the Report as an admitted document on the day on which he transmitted copies of it accompanying his letters of the 1st of August. It is impossible. His Lordship is mistaken; he could not have treated it as an admitted document, because I had two days before protested against its being so taken.

392. Lord *Chelmsford.*] You use the word "protest," that is too strong a term to use; You only hoped that he would not take it so?
Yes, I hoped. Mr. Leman had an interview with the Lord Chancellor on the 4th of November last in Lincoln's Inn, by his Lordship's appointment.

393. Earl of *Derby.*] You had complained of the shortness of the time you had given to you to send in your answer to the Preliminary Report?
Yes.

394. Did you make any further representation to the Lord Chancellor upon that subject?
Yes; there was a letter from Mr. Leman.

395. Lord *Stanley of Alderley.*] In reply to the letter of the 8th of August?
Yes; asking for further time to make the answer.

396. Earl of *Derby.*] In consequence of that letter was further time given you?
Yes.

397. Until when?
In the end, until the 20th of September.

398. Will you hand in that letter?
Yes.

The same is read, and is as follows:

"My Lord, 51 Lincoln's Inn Fields, 18th August 1864.

I have found it absolutely necessary to consult counsel on the subject of Mr. Edmunds' reply to the Report of Messrs. Greenwood and Hindmarch, and your Lordship's letter of the 25th ult., containing the charges against him; and although we have made considerable progress in the reply, I am obliged, in consequence of the absence from town at this season of the year of our legal adviser, to ask that your Lordship will be pleased to extend the time for completing Mr. E.'s answer to the allegations and charges in the Report and letter until the 20th of September next. For my own personal convenience I would not ask your Lordship to extend the period of reply; but I cannot take upon myself alone, and upon my own responsibility, so delicate and important a matter as the framing of Mr. E.'s answer to the Report. I have consequently thought it right to consult a gentleman of eminence at the bar.

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He is unfortunately obliged to go out of town immediately with his family, but he will take the papers with him, and let me have them back in time to enable me to send the reply to your Lordship without fail by the day I name. There are no questions of money payments involved in this request for further time. The whole amount of balances due have been ascertained, and on Monday last I applied at the Exchequer and Treasury to pay over the whole amount, but was informed that the money could not then be received, pending the discussion on the accounts. Certain most important Patent Office account books had been taken by Mr, G., and being there under lock and key, I was not permitted access to them until after a correspondence with Mr. G., who like the rest of the legal profession is absent from town; and even then I was only allowed an inspection of them at Mr. G.'s office.

I mention this as another reason why I am satisfied your Lordship will see right to grant an extension of the time fixed by your Lordship's letter of the 9th instant.

I have the honour to remain,
My Lord,
Your Lordship's most obedient Servant,
JAMES LEMAN."

The Right Hon. the Lord High Chancellor,
&c. &c. &c.

399. Was there any written answer to that letter of the 18th of August from the Lord Chancellor giving you an extension of time?
Yes.

400. Have you got that letter?
No, I have not; it was a short note.

401. Lord *Panmure.*] Does it appear in these papers?
No; it is not printed.

402. Earl of *Derby.*] In consequence of your request you had given to you time until the 20th of September?
Yes.

403. And upon the 20th of September you put in the answer which appears in these papers?
Yes.

404. I think you have already handed in that answer?
Yes.

405. Will you proceed to offer any observations you wish to make upon the statements which were made by you in answer to the charges?
"I pass now to the first specific charge contained in the letter of the 25th of July; "that relating to obtaining the allowance of discounts upon stamps. If I am not "misinformed, your Lordship felt, upon further inquiry and consideration, that this "charge, pressed by the Report with so much harshness, could not have constituted a "just ground for depriving me of the offices which I resigned, and I shall therefore touch "very briefly upon this first charge." I should say, in the outset, that upon the occasion of the first interview Mr. Leman had with the Lord Chancellor, the Lord Chancellor told Mr. Leman distinctly that he need not take any trouble on that subject, for there was nothing in it. He said that he had ascertained that there was nothing in it.

406. Lord *Taunton.*] What was the date of that interview?
The 28th of July; it was the first interview.

407. Earl of *Derby.*] You only know that from what Leman told you?
No; but Mr. Leman will state it. The effect of it was that I need not trouble myself with any defence upon that subject; his Lordship was perfectly satisfied.

408. However, in your reply you do deal with it?
Yes, I do deal with it, and it is more necessary now, for the question of the discounts forms the very largest proportion of this new claim of 9,000*l.* Mr. Greenwood's having dealt with that question yesterday is another reason for going into it.

409. Lord *Stanley of Alderley.*] When did Mr. Leman state that the Lord Chancellor said it was not necessary to press that point?
Upon the first interview; on the day on which he asked for Counsel.

410. Earl of *Derby.*] Will you continue your statement?
"The practice was not introduced by myself. I found it in full force at the time "when

" when I succeeded to the office of Clerk of the Patents. It has prevailed and still " prevails, as I am informed, in other public offices, as, for instance, in the Country " Registries of the Court of Probate. It has always been justified, or been considered " to be justified, on the ground that unless there be some statutory or other authority " imposing upon the public officer who supplies the stamps the duty of distributor of " stamps he cannot be expected to assume the burden and risk of that duty without " some remuneration." I state that the discounts on the stamps were taken openly by me, with the full knowledge of the authorities at the Stamp Office. I set out the form. Then I say, " It is impossible that the receipts of those discounts should " not have been perfectly well known in the office, and generally. I earnestly beg " your Lordship to contrast this short statement of undeniable facts, short only for " the reason already adverted to, with the unjustifiably harsh language of the Report, " which, after imputing concealment and subterfuge, concludes by stating, ' but in a high " ' officer like Mr. Edmunds we think that the practice was without excuse, dishonest, " ' and disgraceful, and the difficulties which they (that is Mr. Edmunds, and Mr. Ruscoe,) " ' threw in our way, when we were endeavouring to acquire a knowledge of the facts, " ' satisfied us that they were conscious that they had done wrong.' It will, I am " satisfied, be impossible for any candid mind, after comparing the actual facts with " the passage of the Report which I have quoted, to resist the conclusion that " Messrs. Greenwood and Hindmarch, whether appointed or not to conduct an " investigation of a quasi-judicial kind, have, in making their Preliminary Report, acted " as accusers, rather than as judges."

411. *Chairman.*] First of all, can you give the Committee any evidence that the practice was not introduced by you, but that it was in full force at the time when you succeeded to the office of Clerk of the Patents?
No, I cannot, because there is nobody alive.

412. Do the books of the office show it?
I have not the books.

413. Lord *Panmure.*] Then upon what authority do you assert that it took place before you succeeded to the office?
I knew it from Mr. Haines, who was the deputy of my predecessor.

414. *Chairman.*] Can you state what was the exact practice of the office previously to your becoming Clerk of the Patents; whether the money for the purpose of purchasing stamps was derived from public sources, or whether it was derived from the private resources of your predecessor?
A sum of 5,000*l.* taken in discount upon stamps does not represent the trifling sum of 500*l.*, as is stated by Messrs. Greenwood and Hindmarch in their Second Report. That sum of 5,000*l.* represents stamp duties to the amount of 350,000*l.* A sum of 5,000*l.* taken in discounts represents a sum of 350,000*l.* taken in stamps.

415. This may be a defence of your conduct, or it may impugn the statement of the gentlemen who made the Report, but it is not an answer to my question, whether you are aware of what really was the practice of your predecessors in purchasing stamps from the Stamp Office, and taking discounts upon them; whether the monies with which they purchased the stamps were derived from their private resources, or from public monies?
They could not be from public monies, for they had none.

416. Earl of *Derby.*] From what source did you derive that original 500*l.* which you invested in the purchase of stamps upon which you received the discounts?
It was undoubtedly public money; at least it came from the Patent Office Account, if that may be called public money.

417. Then 500*l.* which enabled you to purchase the stamps upon which you received discounts was not your private money, but it was money taken out of the Patent Office Account at Messrs. Coutts', was it?
I advanced to Mr. Ruscoe, the Clerk, 500*l.* to work with, in the stamp business.

418. From what source did you advance it?
From the Patent Office Account.

419. That is to say, public money?
If it can be so called.

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420. Lord *Chelmsford.*] Can you point out the cheque in the pass book by which that sum of 500*l.* was drawn. It must have been very early.
I am afraid I cannot point to it.

421. Duke of *Somerset.*] It is stated to have been taken from the public monies in 1853.
I have found it in August 1853.

422. Lord *Chelmsford.*] Was that exact sum of 500*l.* ever returned to the Patent Office Account, it being public money?
Yes.

423. When?
It was not returned for some time.

424. I mean the exact sum.
The exact sum was not returned.

425. You took 500*l.* from what you say is public money. I want to know whether that exact sum of 500*l.* was ever returned to the Patent Office Account?
Yes; it was returned in June.

426. The exact sum?
Not the exact sum. I will explain it. I had directed Mr. Ruscoe to return this money to the Patent Office Account, he passed it, however, with another sum of 100*l.*, making together a sum of 600*l.*, to my private account. Subsequently, in June 1864, I passed it back to the Patent Office Account, forming part of a sum of 993*l.* 13*s.* 1*d.*

427. Do you mean that from August 1853 to June 1864 that the sum of 500*l.* was never restored to the public account?
No, it was not.

428. Earl of *Derby.*] I think, during the course of your holding the office, there was some arrangement made between Mr. Ruscoe and yourself as to the proportion of the discounts which you were respectively to receive?
Yes. There was.

429. I think originally you received in the proportion of three fifths?
Two thirds.

430. Was not it the case that the one received 300*l.* and the other 200*l.*?
Yes, it was so.

431. You received three fifths and Mr. Ruscoe received two fifths of the whole sum?
Yes.

432. Subsequently an alteration was made by which Mr. Ruscoe and you changed places; he received 300*l.* and you received 200*l.*?
Yes.

433. Was that in consequence of his repayment to you of a sum of 500*l.*?
No; it was not in consequence of that, but the repayment of the 500*l.* followed. I considered that Mr. Ruscoe was entitled to a larger share.

434. He repaid to you the 500*l.* which you had advanced?
Yes.

435. And that sum of 500*l.*, so repaid to you, was not repaid to the public account from which you had drawn the 500*l.*, but it was repaid to your private account?
Yes; not by my directions; in error.

436. And there it remained till 1864?
Yes.

437. Lord *Panmure.*] You have stated that your practice in dealing with those discounts was similar to that of your predecessor, Mr. Haines; but, inasmuch as Mr. Haines had no public money to apply to that object, and you did apply the public money to that object, do you think that they are parallel cases?
No. I propose to sever altogether the use of this public money from the question of the discounts upon stamps.

438. Earl of *Clarendon.*] What led you to the discovery that this money had been paid to your private account instead of being returned to the public, because it had been credited to your private account for some time?

It

It was kept there. It appeared to my mind that it did not signify to which account it stood in the meantime; it remained there.

439. Was the discovery made, and was the repayment made to the Patent Fund, before or after the inquiry began?
After it began, certainly.

440. Lord *Panmure.*] Those two accounts which you kept at Messrs. Coutts', your own private account, and Patent Office Account, were accounts kept separate for your own convenience?
For my own convenience, entirely. The term "public account" is not a proper description of this account; it was a separate account.

441. The Treasury were not aware of a public account being kept at Messrs. Coutts', were they?
Never; neither the Treasury nor the Audit Office were aware of it. A public account, properly speaking, is such an account as is directed by the Treasury to be kept, and of which the Audit Office take cognizance. If a public account is kept, the Audit Office require the pass books laid before them from time to time.

442. But this Patent Office Account at Messrs. Coutts' was simply an account opened by yourself, in order to keep the public money distinct from your own?
Yes; for my own convenience.

443. And to keep the public money distinct from your private funds?
Yes.

444. *Chairman.*] Did you so keep them distinct?
Yes; in the main I did, with some exceptions.

445. With regard to your knowledge as to the custom prevailing in other public offices, and in the Country Registries of the Court of Probate, do you know what you have stated in your reply to be the case?
I am so informed by the Commissioners of Inland Revenue.

446. What are you informed?
I was so told by one of the Commissioners of Inland Revenue and the Comptroller together.

447. Are you aware whether in those cases that you have cited the discounts are allowed by the Stamp Office to those public officers on their buying a wholesale quantity of stamps; is that what you were informed?
Yes.

448. Are you aware whether the discount is accounted for to the public; and also whether those officers, if they do not hand over the discounts to the public, are using private or public money in purchasing the stamps?
I do not know that; I cannot tell.

449. Lord *Chelmsford.*] Will you turn to page 19? I observe there the form of the application for stamps?
Yes.

450. The application is in your name, and the discount is mentioned in the second column?
Yes.

451. In the books of the office have you found any such form of application entered by your predecessor?
No; I never saw any of his books.

452. You never saw anything similar to this document?
No. I have no doubt it was done. It was the regular course.

453. Lord *Taunton.*] At what period did you communicate with the officers of the Inland Revenue upon this subject?
In June last, when this question was raised.

454. After the question was raised?
After the question was raised.

455. Did you state at that time to the Commissioners what your practice had been?
Yes; I told them the whole story, and the question that had been raised.

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456. Did they seem to think that there was anything objectionable in the course you had pursued?
No.

457. Lord *Stanley of Alderley.*] What was it exactly that the Commissioners of Inland Revenue said, and on what sale of stamp was discount allowed to the various persons; upon all their sale of stamps?
Upon all.

458. That is to say, that discount was allowed upon the sale of stamps by the distributors and sub-distributors of the stamps, as a mode of payment which was allowed to them for the trouble of distributing the stamps?
Yes; for the trouble of distributing the stamps. The Commissioners of Inland Revenue told me this, that in the cases where they did not allow the discount they appointed distributors. If I had not taken the discounts they would have sent into the office a distributor, an officer of their own, upon a salary, to work the business.

459. Is not it the fact with regard to the Inland Revenue, that the discount which is allowed upon the wholesale purchase of stamps is a mode of payment for the shopkeepers and other persons in the country who distribute the stamps throughout the country; it is their compensation and recompence for the trouble and risk they have in keeping their stamps by them and selling them by retail?
Yes; it is a perfectly parallel case to this.

460. Earl of *Clarendon.*] You have expended a great deal of money in the purchase of stamps upon which you have received a considerable amount of discount; did you always pursue the same course; did you begin at the first with taking public money for the purchase of those stamps, or did you at any time for the purchase of those stamps employ your own funds?
Certainly; the funds of the office were used before 1853; the public funds were not used. The discount upon stamps was taken from the very beginning, from 1833 onwards. From 1833 to 1853 there was no public money used for this purpose.

461. It was entirely out of your own funds?
Out of my own funds in the office.

462. *Chairman.*] What do you mean by saying "out of my own funds in the office"?
I gave no money to Mr. Ruscoe; it was a matter arranged; the agents paid to the clerk in the office the 30*l.*

463. The Patent Agents did so?
Yes; the Patent Agents.

464. They paid it to whom?
To Mr. Ruscoe, the clerk.

465. Duke of *Somerset.*] To whom did Mr. Ruscoe pay the money?
He paid the money to the Stamp Office, and took the discounts; that was a part of his remuneration.

466. Did he pay the money into Messrs. Coutts'?
No; I had nothing to do with it.

467. *Chairman.*] Do you mean to say that the Patent Agents paid for the stamps before they obtained the stamps?
Very often before, but generally after.

468. Then who advanced the money?
It was advanced by Mr. Ruscoe.

469. With what funds?
His own funds.

470. His own private funds?
All through when he took the discounts.

471. I want to know where during that time the money came from. You say that the Patent Agents did not always pay beforehand. If the Patent Agents had paid beforehand, it would be very obvious that that would have supplied the money, and that Mr. Ruscoe would have had nothing to do but to take the money received from the agents,

agents, minus a certain sum for discount, to the Stamp Office, and obtain the stamps; but you say that sometimes Mr. Ruscoe obtained the stamps before he had received the money from the agents; in that case where did he find the money to buy the stamps?
Out of his own funds.

472. Lord *Chelmsford.*] As I understand, before 1852 the stamp upon Letters Patent was 30*l.*
Yes.

473. Those were supplied of course to the agents for the patentees at the office.
Yes.

474. Mr. Ruscoe supplied himself with a certain amount of those stamps from the stamp office, and paid for them out of his own money?
Yes.

475. And received from the agents for the patentees the money for the stamps from time to time?
Yes, and received the the discount himself; it was a part of his remuneration.

476. Earl of *Clarendon.*] That was up to 1852?
That was up to 1852.

477. Lord *Chelmsford.*] You state that for the last eleven years the application has been made for the stamps and the discounts in your own name?
Yes.

478. In whose name where they applied for before that time?
They were applied for before that in Mr. Ruscoe's name.

479. Earl of *Clarendon.*] Since 1852 have those stamps upon which discount was received been purchased with public money, or with money from your own sources?
Since 1853 this 500*l.* invested, as it may be said, in this way, was undoubtedly taken from the separate account.

480. Lord *Panmure.*] What led to the change of circumstances in 1853? Why did not Mr. Ruscoe go on in 1853 as he had begun in 1833 and gone on up to 1852?
I then became liable for a great risk. If your Lordships will allow me to read this paper which I have prepared I think it will explain it. "A sum of 5,000*l.* taken in "discounts upon stamps does not represent the trifling sum of 500*l.*, as is stated by "Messrs. Greenwood and Hindmarch in their Second Report."

481. Lord *Chelmsford.*] You were made Clerk to the Commissioners of Patents in 1853, were you not?
Yes.

482. That was after October 1852, when the new Patent Law came into operation?
Yes.

483. It was then that the question was altered; you yourself procured the stamps and received the discounts?
Yes. I was liable, as I will show in this paper, to the risks of transmitting large sums of money and stamps backwards and forwards by a clerk.

484. Lord *Panmure.*] Were you not liable to the same risk before 1853?
It was small, comparatively speaking; it was 30*l.* at the most each way; perhaps it might have been 60*l.* but I do not think it was so much. The patents passed were then not at the rate of one in a day.

485. Lord *Chelmsford.*] You are referring to the patents for inventions?
Yes.

486. But there are other patents connected with the office of the Clerk of the Patents?
Yes. They are small in number; not more than 25 in the year.

487. Lord *Panmure.*] Until after 1853 the receipts for the discount upon stamps did not amount to anything more than a mere fractional part of what was afterwards the remuneration?
No.

488. Duke of *Somerset.*] Will you read again what you stated with respect to the 5,000*l.*?
Yes.

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Yes. I will strike out the second part, if necessary. I may put it as an illustration. It does, however, refer to the Second Report: "A sum of 5,000*l.* taken in discounts upon "stamps does not represent the trifling sum of 500*l.*"

489. *Chairman.*] This sum of 5,000*l.* is merely taken by you as an illustration of the principle?

Yes. "That sum of 5,000*l.* represents stamp duties to the amount of 350,000*l.* "The reason for the allowance is the great risk of the cash dealings involved in the "business. From 350*l.* to 400*l.* are conveyed by a clerk twice in each week or oftener, "in cash in his pocket, to the Stamp Office, for no checks are received, with all the "risks of robbery or loss attending such business. The stamps are kept in store, "again subject to loss, robbery, or fire; they are used as required for the documents, "and paid for in detail in cash, altogether involving cash accounts on this subject "alone to the amount of over 30,000*l.* per annum. The discount is to meet all "these risks, and yet it is said that the question turns solely upon the 500*l.* alleged to "have been improperly used in the business. The Lord Chancellor, on inquiry, and in "conference with the Law Clerk of Treasury and the Board of Inland Revenue, settled "that business in July last. He distinctly told Mr. Leman that no notice need be taken "of that particular charge; 'that there was nothing in it.' The Patent Agents are "allowed discounts on such instruments as are prepared by them, namely, the petitions "and specifications, for the same reasons of cash and other risks. Mr. Greenwood has "stated in his observations, 'but no such practice was objected to by us,' namely, the "practice of taking the discounts. 'What we objected to was the practice of buying "'stamps with the public money.' This is not very consistent with the charge of 5,000*l.* "in the Second Report; in truth, I cannot doubt that it has been inserted by way of "increasing the magnitude of the surcharge." I would add, that unless discounts were taken in the office the Board of Inland Revenue would send in a distributor (as they do in some public offices, for instance, the Chancery offices), and remunerate him either with the discounts or a salary; and the salary would probably amount to a larger sum than the discounts. I am informed by the Inland Revenue that that is their course, and they have not a doubt that the taking of those discounts was legal and proper.

490. Earl of *Clarendon.*] That is, assuming, I suppose, that the money is paid out of the pockets of those who buy the stamps?

I conceive that the question of the proper or improper use of this 500*l.* is merged in the question of improperly using the money in this separate account. I maintain that it should be severed entirely from the question of discounts.

491. Do you apprehend that the Inland Revenue Commissioners told you that your use of public money to buy stamps, upon which you were to receive discounts, was a regular practice such as they would sanction?

No; they did not tell me that; but that the taking of the discounts was a regular practice. I maintain that the question of the use or misuse of this 500*l.* is entirely apart from the question of the right of taking the discounts, and that has been already settled by the Lord Chancellor. I can have no doubt that the Lord Chancellor noticed, in the five charges, that the question of discounts is grounded in the improper taking of the 500*l.*, and that the Lord Chancellor told Mr. Leman that he need not apply himself to that charge at all.

492. Earl of *Derby.*] Will you address yourself now to the second charge, which is, that you have from 1852 downwards improperly retained in your hands monies received by you for fees on patents, which ought to have been paid into Her Majesty's Exchequer. With regard to that, you admit that the course you have pursued has been negligent and improper?

Yes.

493. What have you to say in reference to that charge?

I have admitted the impropriety and the wrong; but at the same time I state distinctly that as to any dishonest intention there was nothing of the sort.

494. You refer to the fact of your having ear-marked those various sums as carried to the Patent Office Account?

I do.

495. Since the year 1852, have all the fees received in respect of patents, which ought to have been paid into the Exchequer, been paid into the Patent Office Fund at Messrs. Coutts'?

Yes, they have.

496. All of them?
All of them.

497. Can you show any statement comparing the amounts that have been received and the amounts that have been paid in?
It is set out in this paper. My account appears at page 66.

498. Lord *Panmure.*] It is called Account B., I think, in the papers before us?
Yes. Having gone through the whole of these accounts, with the assistance of Mr. Hooper, a professional accountant, I state distinctly that this sum of 7,872*l.* 5*s.* 6*d.* covers the whole balances of my receipts on the account of the Consolidated Fund from the beginning in 1833 to the present time. I have ascertained that to a certainty. I state that I have paid over the whole of my receipts upon that account.

499. Earl of *Derby.*] What I want to know is, whether between 1852 and 1864 the balance you have paid up (I am supposing your account to be perfectly correct) of 7,872*l.* 5*s.* 6*d.* was, as it was in course of receipt during the ten years, paid regularly into the Patent Office Fund at Messrs. Coutts'. It ought to have been paid into the Exchequer; you admit that there was an impropriety in paying it into the Patent Office Fund, but you say that the Patent Office Fund was kept distinct, that the various sums were ear-marked as payments to be made to the Exchequer, and consequently that they were kept separate from all private money. I want to know whether you are prepared to say that from 1852 to 1864, as those fees were received, they were paid regularly into that Patent Office Account?
They were. There was one slip in my payments to the Exchequer that I discovered in going through those accounts; I found that I had taken a wrong sum.

500. What sum do you refer to?
It was in the year 1844. I have not got the papers here; but that was unintentional.

501. My question refers to the time from 1852 to 1864. I ask you whether you are prepared to say that all the fees received, in fact all the monies that ought to have been paid into the Exchequer, were, in point of fact, paid into the Patent Office Fund, and kept distinct from your own private fund at Messrs Coutts'?
Yes.

502. Have you any account of the fees that were received which has been compared with the pass book?
They are set out in page 66.

503. Then those sums, beginning with 411*l.* 1*s.* 8*d.*, are the sums which were received by the Clerk of the Patents in each year?
Yes.

504. I want to know whether in each year those sums were paid into the Patent Office Account?
They were paid into the Patent Office Account.

505. In each year?
In each year.

506. As they were received?
As they were received, and there they remained.

507. Earl of *Clarendon.*] But those are not the whole of the fees that you received during those years, are they?
From 1853 to 1864, they are the whole.

508. Do you mean to say that in 1859, 1860, 1861, and 1862 you only received for fees sums of about 53*l.*, 74*l.*, 70*l.*, and 71*l.*?
Yes; that is quite true. Those were fees received upon the small number of patents appointing to offices and charters.

509. *Chairman.* [*To Mr. Greenwood.*] Have you any explanation to give with reference to the statement which Mr. Edmunds has now made?
I think it ought to be understood that those fees which have been spoken of were paid in by Mr. Ruscoe; not by Mr. Edmunds. They were paid in by Mr. Ruscoe, according

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according to the statement that was made to us, in order that Mr. Edmunds might pay them over to the Exchequer. Mr. Ruscoe never knew that they remained there.

510. *Chairman.*] (*To Mr. Edmunds*). I understand that you regret the irregularity on your part of not having paid this money into the Exchequer, as you were bound to do?
I admit it. I do not in any way contradict it.

511. But you consider beyond that having ear-marked the sums by placing them in the Patent Office Account you indicated that they were public monies?
Yes.

512. I think you stated that you did not consider the Patent Account as a public account?
Not strictly speaking; it was a separate account.

513. You stated that it was merely a separate account for your own information, and that in practice, though it was mainly made use of for public monies, yet you had private disbursements and private receipts entered into that account?
In the early part of that account there are a good many. There is nothing within the last eight years belonging to any private account. There were no transfers of any kind or description from this separate account for the last eight years, even to meet an error or an accident.

514. Lord *Taunton.*] What induced you to make that alteration in your system of dealing with those accounts between the earlier and the later periods?
I do not think that there was any alteration. I was only meeting the question of making transfers and borrowing from this fund.

515. Earl of *Clarendon.*] If the fees were so small between 1853 and 1864, how came it that in order to make the account correct with the Treasury those fees required to be supplemented by so large a sum as 7,872*l.*
Because the fault commenced in the year 1853 of not paying over anything. I paid nothing over to the Exchequer. I allowed those sums to accumulate, and to roll in the Patent Office Account, and I made no payment to the Exchequer.

516. Those sums do not altogether form the sum of 7,872*l.*?
They do not.

517. Yet Account B. professes to be an account of all the fees received in regard to Patents?
Yes; the fault, and the great fault, was in 1853. It is no excuse, but I state it as an absolute fact how things occurred in the year 1853. The new Act came into operation at the end of 1852. During that time, and in the following year, 1853, as will be perceived by the pass book, very large additional sums of money passed. I see that 21,000*l.* in that period passed through my hands.

518. Earl of *Derby.*] I think this will explain the question. I see that in the year 1852 there is a summing up of all the previous accounts, by which it appears that at that time you had received 49,341*l.* 2*s.*; and on the other side, in the year 1852, it appears that you had paid in 46,055*l.* 1*s.* 2*d.*; is not that so?
It appears so.

519. Then in point of fact you were then in arrear of your payments by 3,300*l.*?
Yes; that I believe is the fact.

520. That 3,300*l.* has to be added to the receipts since 1853 in order to make up the whole balance of 7,872*l.* which you stated would balance the account?
Yes.

521. *Chairman.*] (*To Mr. Greenwood.*) Have you anything to say with regard to this point?
Half the receipts of 1850 are paid in on the 9th of August; they are the receipts for two quarters of 1850 paid in 1852 to the Exchequer.

522. (*To Mr. Edmunds.*) Is that the case?
Yes; that is quite true.

523. Lord *Chelmsford.*] As we have heard, you continued to make payments to the Exchequer up to a certain time?
Yes.

524. Will you state now the exact period when you ceased to make such payments?
It will appear from the pass book. August 1852 is the date of the last payment to the Exchequer, 1,722*l.* 1*s.*

525. Will you tell the Committee what is the balance of that account, which was in fact public money, which ought to have been paid over when you ceased to make any further payments; that is to say, after the payment of that cheque.
I cannot distinctly say; it appears to be about 2,500*l.*; 2,700*l.*, or somewhere thereabouts.

526. Is the pass book balanced from time to time?
Yes, it is. I find upon the 24th of June 1853 there was a balance of 7,256*l.* 3*s.* 3*d.* I am not sure that I can give the figure your Lordship wants exactly. At the period of the last payment there was evidently a deficiency, about 2,700*l.* I do not put forward any excuse. I have candidly admitted everything. I wish to admit and to state everything truly in every direction. In the year 1853, as the book shows, I had over 20,000*l.*; 21,600*l.* in the half year ending June 1853, or rather in the three quarters of the year. At that period as much as 21,600*l.* had passed through my hands under the new Act, which was all passed through this account, by accident, because there was money enough to meet any amount of payments due in that year, and more than enough. I say by accident, certainly not by design, I unfortunately did not within that year 1853 pay any sum over to the Consolidated Fund. Finding that out in the following year, in what may be called the most absurd cowardice I intermitted. I did not pay anything the second year, looking forward and conceiving that in some way or other I should be able to extricate myself from the difficulty. I was afraid, and absurdly afraid, of starting the payments again after having intermitted for a twelvemonth, lest the whole question of those accounts, which had never been rendered and never been audited, should be raised. The accounts of all those 20 years had never been audited in any shape or rendered in any way, and knowing that they were in a confused condition I did not touch them. So I let the thing go on, having always at my command more than sufficient money to pay any deficiency that might arise. That this was a foolish thing, I admit at once; it certainly was not to be defended; but at the same time I never had the most remote intention of appropriating this public money to my own use. For the last eight years not a single sixpence has been touched in any shape whatever, and this fund went rolling on. This 2,681*l.* was a part of the fund that was so rolling.

527. Lord *Panmure.*] Did you receive any benefit from it in the shape of interest from the bank?
None whatever; it remained at Messrs. Coutts' untouched.

528. Earl of *Derby.*] How was it that that nonpayment of any sum at all into the Exchequer did not attract notice in 1853?
I cannot imagine. I do not know why it did not. It is extraordinary that it did not. If any application had been made to me by the Exchequer or the Treasury, it would have set the whole thing going again. I never had any accounts whatever with the Treasury. Mr. Greenwood has stated that he has discovered in the Treasury that in the year 1834 an order was issued from the Treasury directing me to render accounts to the Treasury. I never saw any such order. I wish I had. No such order ever reached me, and it appears impossible that any such order could have been issued, because the payments were made regularly onward half yearly; if such order had been issued by the Treasury, it may be asked, How was it that the Treasury did not enforce the accounts?

529. Lord *Chelmsford.*] You do not mean to say that you did not know where you were to pay this money?
I paid it to the Comptroller of the Exchequer. My remarks were in answer to the question that the noble Earl put to me.

530. You said that Mr. Greenwood had stated that there was an order from the Treasury that you were to account to them and pay over the monies to them, but that you were not aware of that order?
That was to render the accounts to them, that was in 1834, at the very outset.

531. You do not mean to say that you did not know where you were to render your accounts and make your payments, do you?
I never was required by the Treasury to render accounts.

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532. You knew that it was to the Treasury that you were to render your accounts, and that you were to pay the money to the Treasury, did you not?
No; I was not directed in any way. The Act of Parliament did not direct it.

533. *Chairman.*] You have no recollection of this letter from the Treasury, dated 14th May 1834, addressed to "Leonard Edmunds, Esq." "Sir,—Having laid before the "Lords Commissioners of Her Majesty's Treasury your letter of the 26th April last, "requesting payment of your salary as Clerk of the Letters Patent, I have it in "command to return herewith the Royal Sign Manual Warrant appointing you to the "office, and to acquaint you that my Lords have directed a warrant to be prepared for "charging the salary of 400*l.* per annum upon the Consolidated Fund, under the pro-"visions of the 8th section of the Act 3 & 4 Wm. 4. cap. 84., the said salary to "commence and take effect on the 29th August 1833, and to be paid and payable "quarterly, at the usual days of payment. I have to acquaint you at the same time "that the affidavit prescribed for all the officers of the courts of law by whom accounts "of the receipt of fees are rendered is to the following effect; viz., I A.B. do swear that "to the best of my knowledge and belief the above is a true account of the amount of "all such fees and emoluments as have become due in respect of the duties of my office "of between and both days inclusive; and that "no other fees or emoluments of any kind whatever have been received by me, or by "any other persons employed in my office, during the said period. And that my Lords "require your affidavit may be made in the same form with respect to the accounts "hereafter to be rendered by you; and that you will also in future transmit the "Exchequer receipt with the account. I am, &c. Signed, J. Stewart."
I am quite certain I never received any such order. If I had done so I should immediately have obeyed it on the occasion of my next payment, which must have been within a month or two of that date.

534. *Chairman.*] That letter was in answer to your letter requesting the payment of your salary?
Yes, so it appears. If any such order as that were issued, and reached me, I am quite certain I should have obeyed it at once, but I am quite certain that no such order ever did reach me; and the extraordinary thing is that the Treasury should not have enforced it.

535. Lord *Stanley of Alderley.*] Did you never receive any letter conveying your appointment to you, or how was it conveyed?
The appointment came from the Home Office in the first instance. I have no recollection of anything coming from the Treasury.

536. *Chairman.*] Have not you any recollection of having applied to the Treasury for the payment of your salary?
No.

537. Earl of *Derby.*] This letter purports to be in answer to a letter of yours of the 26th of April, requesting the payment of your salary; have you never made any such application?
No.

538. *Chairman*]. (*To Mr. Greenwood.*) Have you anything to say upon this point?
That letter is in existence at the Treasury.

539. Lord *Chelmsford.*] (*To Mr. Edmunds.*) This letter relates to your office of Clerk of the Patents?
Yes; it is thirty years back.

540. From the year 1834, during the time that you were only Clerk of the Patents, and not Clerk to the Commissioners of Patents, you rendered your accounts regularly, and paid over the monies, did you not?
I rendered no accounts.

541. You merely paid over the money?
I merely paid over the money, not to the Treasury, but to the office of the Comptroller of the Exchequer, Sir John Newport's Office. According to the course of proceeding, I went to the Comptroller's Office, not to the Treasury. I never had dealings with the Treasury at all; in fact, I never was within the doors. As a public accountant there can be no doubt that I ought to have been put under the Audit Office.

542. Lord *Panmure.*] Does not your own official letter book show that you made the communication to the Treasury, to which the letter of the 14th of May must have been the answer.

I have

I have no official letter book of any kind. I do not suppose that during the whole course of the time I wrote one letter in the year. What I have stated is simply that I have never rendered accounts to the Treasury; that I was not called upon to render accounts to the Treasury, nor was I ever put under audit. I have no recollection whatever of ever having sent an affidavit to the Treasury; in fact, I did not make any affidavits after 1834.

543. I think it was stated in evidence yesterday that the first affidavits (or one of them) that you swore were in the form prescribed by the Treasury?
I do not think so; the affidavits were prepared in the office, and delivered to me by the clerk, and I kept those affidavits as memoranda of the account.

544. Were they not prepared in the form laid down in the Treasury letter which we have just heard read?
I can get an affidavit. if your Lordship will allow me. I think I have the bundle of them in the next room.

545. What is the date of the Treasury letter addressed to you, which you say you have not received?
14th of May 1834.

546. The first affidavit that you swore after the 14th of May 1834 is the one the form of which we wish to see.
The affidavits made out in the office and delivered to me are made in the form prescribed for the payments to the Suitors' Fund of the Court of Chancery.

547. Are they in the form prescribed in the letter from the Treasury?
To a certain extent they are; they are not quite in that form. I believe they run thus, "In re 3d and 4th William the 4th, chapter 84. The fees received by the Clerk "of the Patents from the first day of April to the thirtieth day of June one thousand "eight hundred and thirty-nine, both days inclusive, which are directed by the above "Act of Parliament to be paid into the receipt of Her Majesty's Exchequer, and be "carried to and made part of the Consolidated Fund of the United Kingdom of Great "Britain and Ireland, amount to eight hundred and nine pounds nine shillings and "fourpence." Then it goes on, "Leonard Edmunds, Clerk of the Patents, maketh oath "and saith, that to the best of his knowledge and belief the above is a true account "of the amount of all such fees and emoluments as have become due in respect of the "duties of his office of Clerk of the Patents between the first day of April and the "thirtieth day of June one thousand eight hundred and thirty-nine, both days inclusive, "and that no other fees or emoluments of any kind whatsoever have been received by "him, or by any person employed in his office, for his use or benefit, during the said "period. Sworn at the Public Office, Southampton Buildings, in the county of "Middlesex." The date of that is 1839.

548. That follows verbatim the form given in the Treasury letter?
I was not aware of it.

549. Earl of *Derby*.] Were these affidavits put in by you to the Treasury?
It appears that I did furnish two or three in the first year. I have no recollection whatever of them.

550. How came they to be discontinued?
I cannot tell; they were discontinued probably because no accounts were called for.

551. Have you not stated in the course of the examination taken before Messrs. Greenwood and Hindmarch that you had not furnished any affidavits because the Treasury had refused to receive them?
No; the refusal was at the Exchequer.

552. Because the Exchequer had refused to receive them?
Yes; the Comptroller of the Exchequer.

553. Did he refuse to receive them?
Yes. When I made my first payment to the Exchequer, I took the first affidavit with me to the Comptroller's Office; they took the money, and said that they received no accounts or affidavits or anything of the kind there; they took the money, and returned the affidavit to me.

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554. Duke of *Somerset.*] When was that?
That was in January 1834.

555. Lord *Pammure.*] You stated that it was on the occasion of the first payment you ever made to them.
Yes; that was the first payment I ever made to them.

556. Lord *Taunton.*] Did they tell you at the Exchequer what you were to do with the affidavit?
No.

557. Duke of *Somerset.*] That was in January 1834?
Yes.

558. I find that the Treasury Minute calling upon you to make the affidavit which has been mentioned was not until May 1834?
That may be. I have not the slightest recollection of the letter.

559. Earl of *Derby.*] Practically you have never made such an affidavit to the Treasury?
Practically I have not. It appears from what they find in the Treasury that I have, but I have not the slightest recollection of ever sending any affidavit to the Treasury.

560. You have received your salary regularly?
Yes.

561. Were you not, upon the payment of your salary, called upon to swear the proper affidavit?
No.

562. Where is the salary paid?
It is paid by the Paymaster General; there is a receipt given, that is all.

563. *Chairman.*] Do you know upon what warrant the Paymaster General paid you your salary?
No.

564. Lord *Chelmsford.*] I observe, referring to the Second Report of Messrs. Greenwood and Hindmarch, that you say that in January 1834 you paid into the Exchequer 467*l.* 11*s.* 4*d*?
Yes.

565. And made an affidavit before Master William Brougham?
Yes, so it appears.

566. In April 1834 you paid into the Exchequer 448*l.*, and made an affidavit before Master Roupell?
Yes, it so appears.

567. They proceed to state, "These two affidavits he transmitted in a letter dated "22d of April 1834 to the Treasury, where the affidavits were filed, and now remain. "In a letter, dated 26th of March 1834, Mr. Edmunds transmitted his appointment as "Clerk of the Patents to the Treasury, requesting a warrant for the payment of his "salary of 400*l.* a year. Mr. Edmunds' application was taken into consideration on the "9th of May 1834, when his request was complied with, and he was directed to make "his affidavits respecting the fees payable to the Exchequer in a form which was "furnished to him for verifying his future accounts, and to transmit the Exchequer "receipts with his accounts to the Treasury. A copy of the letter to Mr. Edmunds, "(signed by Sir Alexander Spearman, then Assistant Secretary to the Treasury) "containing this direction, has been preserved at the Treasury. In August 1834 "Mr. Edmunds accordingly made an affidavit (sworn before Master Wingfield) in the "form thus prescribed by the Treasury, verifying his account of fees for the quarter "of a year ending 30th of June 1834, as amounting to 340*l.* 19*s.* 8*d.*, and that affidavit, "with the account, was transmitted to the Treasury, and there filed. Since that time "no affidavits have been sent to the Treasury." Is that account correct?
I have no recollection whatever of ever having sent any affidavit to the Treasury, it involves a question of over 30 years.

568. *Chairman.*] Can you state whether you periodically received the form of affidavit from Mr. Ruscoe?
There is no doubt that Mr. Ruscoe sent the affidavits to me once in every quarter.

I kept

I kept them, and made the payments upon them. I have them here (*producing the same*).

569. Earl of *Clarendon.*] To whom did you make the payments?
To the Comptroller of the Exchequer. I went on making payments upon them. They are endorsed in this way (*pointing to the affidavits*).

570. Lord *Chelmsford.*] When did Mr. Ruscoe cease to furnish you with those affidavits?
I have no affidavits in my possession earlier than in June 1839

571. Down to what time did he continue to furnish them?
To December 1849. They have been lost after that.

572. Would your memory enable you to give the Committee any reason why Mr. Ruscoe ceased at that time to furnish you with the affidavit which he had been furnishing quarter by quarter before that time?
I cannot undertake to say that he did not furnish them; but I have not got them in my possession.

573. Earl of *Clarendon.*] To whom did he furnish them?
He probably furnished them to me, but they have been mislaid or lost.

574. Lord *Chelmsford.*] Did he furnish them to you in 1852 and 1853?
I do not think he did; I am not sure. I cannot find any.

575. Can you say whether he did or did not furnish you with any in 1852 and 1853, and after that time?
I do not think he did. I cannot find them. I have searched for them.

576. Duke of *Somerset.*] When these affidavits were furnished to you, what did you do with them?
I kept them, and indorsed upon them the payments from time to time. I used them for the purpose of making the payments. The endorsements continue in this way (*pointing to the various affidavits*).

577. Earl of *Clarendon.*] That was at the time when you did make the payments?
Yes.

578. You did not use the affidavits or pay any attention to them when you suspended the payments?
I did not.

579. Lord *Panmure.*] You only used these affidavits to make memoranda upon of the payments?
Yes.

580. They were never sworn?
They were never sworn. If I did send these affidavits in the year 1834 to the Treasury, how or why I ceased to send them I cannot tell. There could be no evil motive in it, because there was no defalcation whatever at that time; the very earliest was in 1846, and that was accidental.

581. Earl of *Clarendon.*] The Treasury, at the time when they told you that this affidavit was to be made, told you also that it was to be accompanied by receipts from the Exchequer; not that it was to be made before the Exchequer?
They required detailed accounts, and the receipts of the Exchequer, as it appears in this letter.

582. The Treasury did not prescribe that you should make this affidavit before the Exchequer?
No; the Act of Parliament prescribes that an oath shall be made.

583. You state that you tendered your affidavit to the Comptroller of the Exchequer?
Yes.

584. Lord *Chelmsford.*] It has been stated that the only affidavit you made after the direction was sent from the Treasury was in August 1834 when you made an affidavit before Master Wingfield; that you do not recollect, I believe; but I observed that these affidavits which have never been sworn, and the dates of which are not filled up, except as regards the date of the year, begin with 1839?
Yes. The preceding affidavits are lost.

 585. Were

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585. Were there regular forms of affidavits made out from that time down to the date of the latest of those you have produced?
Yes.

586. And you cannot say whether or not there were any made out later than the latest of those?
I cannot say at the moment, but I have no doubt that they were delivered to me regularly all the time. But in consequence of moving, I suppose, from one place to the other, and going twenty-five or thirty years back, I cannot find any affidavits of an earlier date than those in the bundle. Their loss has been a very great inconvenience to me, because it caused the necessity of going through the books with an accountant (as I shall state hereafter), and making out a very elaborate account to check my payments, and satisfy myself that I had made the right payments.

587. Lord *Stanley of Alderley.*] Do you state that Mr. Ruscoe never communicated to you every year a form of affidavit to be submitted to the Treasury?
Mr. Ruscoe delivered those affidavits to me every quarter.

588. Up to what time?
I cannot say; the last in my possession is dated 1849.

589. I have one here which Mr. Ruscoe says he made in 1859?
Possibly that may be so. What I say is, that I cannot find them. I say that I have not got them in my possession. I do not dispute them. I find Mr. Ruscoe's quarterly accounts from 1852 onwards.

590. Lord *Chelmsford.*] Down to what date?
Down to 1864; I find his quarterly accounts, but I do not find the affidavits, and the two would have been together.

591. Viscount *Hutchinson.*] The amount shown to the credit of the public in the quarterly account would have been the same amount as that shown in the affidavit, would it not?
Yes; I have not been called upon by the Treasury to render accounts, and I did not render accounts; that is all I can say.

592. Have you compared the amounts appearing upon these affidavits with the amount stated in your Account B. at page 66?
Yes.

593. As far as the years correspond are they identical?
They are identical. In making up my balance I took these affidavits as the account of the monies received by me, and I found in going through those affidavits that I had duly paid the sums of money therein set out.

594. I wish to draw your attention to the Account A. in the printed papers. I will first take the credit side of that account. Do you admit that that side of that account is correct; that the amounts stated there to have been paid into the Consolidated Fund are correct?
If they tally with my account they are. I believe they are.

595. Lord *Chelmsford.*] The credits, as far as I have gone through, tally with those in Account A.
The Account A. I entirely altogether reject. It is described as an account "prepared "in the Patent Office for the purposes of this inquiry, showing the sums which "Mr. Edmunds has received for fees payable to the Exchequer, and the payments which "he made into the Consolidated Fund."

596. When you say that you entirely reject it, I suppose that you do not mean that you reject the credit side, showing what you have paid into the Exchequer; you reject the other side of the account?
Yes. I reject the other side of the account.

597. Earl of *Clarendon.*] Why do you reject it?
I will read a statement of my reasons for rejecting it. In July last I employed Mr. Hooper, a professional skilled accountant, to assist me in making out the accounts for the whole 31 years, which accounts had never before been rendered or audited in any shape. I worked with Mr. Hooper for some weeks upon these accounts. The book containing the accounts of receipts of fees and distribution of the same, commencing in 1833

1833 and ending in 1846, has been lost or mislaid by Mr. Ruscoe, the Chief Clerk, who had the custody of the books of the office; that book has disappeared, and no reasonable account is given of its disappearance. However, it is gone from the custody of Mr. Ruscoe, who had the custody of the books.

598. Earl of *Derby*.] Then for that period you are not able to dispute the accuracy of the return sent in from the Patent Office, are you?

Yes, I am. I was able effectually to check my payments to the Consolidated Fund forward from 1846, but from 1833 to 1846 I had no accounts to refer to, by reason of the absence of the book above mentioned. I had not the affidavits. I had no accounts to refer to of any description. In this difficulty, I put the docket book, being the Record Book of Patents passed from 1833 to 1846, in Mr. Hooper's hands, and he, having the data of the proper fees received on each patent, was able to make out such an account as formed good secondary evidence of the receipts and proper sums payable to the Consolidated Fund in each of these years. Mr. Hooper made a most careful and detailed account for each quarter, certifying the same. (I will put in those accounts.) And in the result, although he found small discrepancies, as might be expected, he brought the whole accounts of receipts and payments for those years from 1833 to 1846 to a very small balance. I made my payments for all those 13 years upon accounts deduced from the absent fee book (that is to say, I paid my accounts from this absent fee book), the only trustworthy authority, as far as I was concerned; and it was most satisfactory to find that my payments during all those years tallied in a remarkable manner with Mr. Hooper's account. Discrepancies were found both ways, as I have above stated, and as might be expected. But in the result of the 13 years Mr. Hooper found that in the aggregate I had received 19,422*l.* 5*s.*, and paid 19,579*l.* 3*s.* 2*d.*, thus overpaying the Consolidated Fund 56*l.* 18*s.* 2*d.* I had the materials before me upon which to check my payments to the Consolidated Fund onward from 1846, namely, the accounts delivered to me by Mr. Ruscoe, the Clerk, deduced from the fee books. I find the payments made by me exactly to tally with these accounts, and I have made up the whole account, and paid over the balances on such accounts in full, being all the monies received by me on account of the Consolidated Fund from 1833 to the present time. Messrs. Greenwood and Hindmarch have evidently employed the two unskilful persons named by them in their Second Report, that is to say, I think Mr. Greenwood named Mr. Woodcroft and Mr. Gipps. They do not agree with Mr. Hooper.

599. Lord *Chelmsford*.] You say that you dispute Account A., and you have read a paper to show that Mr. Hooper has made out that you received on account of Patent Fees a certain sum, 19,422*l.* 5*s.*?

Yes.

600. What is the difference between that sum of 19,422*l.* 5*s.* odd and the sum you are charged with in the account which you dispute?

For the period that I have mentioned for which I employed Mr. Hooper, Messrs. Greenwood and Hindmarch according to this account charge me with 264*l.* 11*s.* 2*d.*

601. Earl of *Derby*.] You have alleged that you have made an over-payment; is that so?

Mr. Hooper shows that up to that period I had made an over-payment of 56*l.* Messrs. Greenwood and Hindmarch allege, on the other hand, from the accounts taken by the two men whom they employed, that I have under paid 264*l.* 11*s.* 2*d.*

602. The difference is between 53,927*l.*, alleged by you to have been received, and 54,819*l.* alleged by Messrs. Greenwood and Hindmarch to have been received; that gives the balance of 890*l.* which you dispute upon the receipts?

Yes. I say and maintain that I have paid over all that I ever received. This Account A. is taken by Mr. Gipps, who is not an accountant at all; not a professional accountant, certainly.

603. Have you compared Table B. with Table A. in order to see where it is that the difference arises?

No, I have not, for it was only yesterday that I received that account.

604. Lord *Stanley of Alderley*.] Did Mr. Hooper, upon your part, and Mr. Gipps, upon the other part, make their calculations upon the same documents?

Upon the same document. The docket book, which is a record of the patents and the proper fee, was given to them; the data were supplied; the data were the proper fees.

Mr. L. Edmunds.

7th Mar. 1865.

605. Then there can be no error, but an error of calculation, can there?
I maintain that the professional accountant who certifies these accounts is to be relied upon, but that Mr. Pemberton Gipps, who is not a professional accountant, and who has, to my knowledge, not the ordinary talent for accounts that people in general have, is not to be relied upon.

606. Must they not both be a mere summing up of certain items in this docket book?
The discrepancy will be found there; but I have never seen it; I never saw the blue book till yesterday; it has not been furnished to me.

607. Lord *Taunton.*] It is a question of arithmetic, is not it?
I believe it is; no doubt it is; but there is this point further: I understand that Messrs. Greenwood and Hindmarch allege that the fees upon certain patents taken by Mr. Ruscoe have been omitted by Mr. Ruscoe to be carried to account; that is a question for Mr. Ruscoe, and not for me. I am not to be charged with fees that Mr. Ruscoe has received and not paid over to me.

608. Then there is some question of principle as well as arithmetic which enters into this matter?
Yes. If this is correct Mr. Ruscoe must meet all this; it is his business, not mine. I maintain, and I prove distinctly, that I have paid over to the Consolidated Fund the whole of the monies received by me on account of the Consolidated Fund.

609. *Chairman.*] I am not quite sure that I understand your explanation. Is it this, that the gentlemen who employed Mr. Gipps as their accountant find that a certain sum of money has been paid into the Patent Office, and a certain sum of money paid by you into the Exchequer?
No; they do not find that.

610. But that you state that if their account is right the difference consists in a certain portion of the money received having been kept back by Mr. Ruscoe?
Yes; that is their statement. Their statement, as I understand it, is this, that in making the charges in the fee book certain patents were passed, and that the fees received upon those patents were not charged by Mr. Ruscoe against himself in the fee book.

611. Lord *Taunton.*] Could Mr. Ruscoe withhold payments under this head without your cognizance?
He might do it; he was the clerk receiving the fees.

612. Did he render no account to you?
The account that he rendered to me was the fee book.

613. Earl of *Malmesbury.*] Upon which your calculation was based?
Upon which fee book he made out the affidavits, and upon the sums so made out by him I paid the money to the Consolidated Fund.

614. Lord *Taunton.*] According to your account was Mr. Ruscoe guilty of concealment from you as the head of the office in this respect?
If this account is correct, and as I understand it, it is charged that Mr. Ruscoe did not carry forward the sums received upon a certain number of patents. I think they make it 41, or some such number, running over the whole 31 years.

615. Do you mean that there were two officers in the Patent Office who received and paid the public money?
No. Mr. Ruscoe received the whole; he received all the fees and payments, and paid them over periodically to the separate account.

616. Rendering you an account, I suppose, of what he received and what he paid?
The fee book was that account.

617. Earl of *Clarendon.*] The fee book is lost from 1833 to 1846; but what appears in the fee book since 1846 is perfectly correct?
Yes. I have no doubt of it.

618. Lord *Stanley of Alderley.*] Do you dispute the accuracy of this calculation as to the amount of fees which were received at the office, either by you or by Mr. Ruscoe, and the amount accounted for to the Exchequer, or do you only dispute the accuracy of the calculation, as showing the amount received by you yourself and the amount you have handed over to the Exchequer?
I dispute the account, and their calculations.

619. You

619. You dispute the account, actually?
I dispute the accuracy of the account, because I find that from 1833 to 1846 the account of Mr. Hooper, the skilled accountant, tallies exactly with my payments or tallies so nearly as to show my having paid 56*l.* 18*s.* 2*d.* too much.

620. Earl of *Derby.*] I understand that both these returns are based upon calculations founded upon an examination of the numbers of the dockets?
Yes; they are founded upon the same books; the docket books.

621. *Chairman.*] (*To Mr. Greenwood.*) Do you wish to make any remark upon this point?
There are two fee books still in existence, and in fact they are outside the room at this moment, and there are also the docket books, and the calculation made upon the dockets correspond to a farthing with the fee books now in existence. If your Lordships are going into these matters at all, it might be satisfactory to you to have Mr. Gipps called in; he is the gentleman who made out this account.

622. (*To Mr. Edmunds.*) Do you desire that Mr. Gipps should be called in?
I have Mr. Hooper's certificates and his accounts. These are Mr. Hooper's accounts (*producing the same*).

623. Earl of *Derby.*] If you have all the same data, would it not be desirable that Mr. Hooper and Mr. Gipps should meet together and go over the accounts?
They might do so.

624. Lord *Chelmsford.*] You would have no objection to Mr. Hooper's coming here to go through the calculations with Mr. Gipps?
None whatever. This touches Mr. Ruscoe, not me.

625. Earl of *Derby.*] The only question arising upon this point, so far as this Committee is concerned, is whether your balance as stated by you is correct, or whether it is correct to say that you are still deficient to the amount of 891*l.* upon this account?
Mr. Hooper has verified his accounts.

626. Lord *Stanley of Alderley.*] We want to know why these two different accountants came to a different conclusion, having proceeded upon the same data?
I maintain that, assuming that Mr. Pemberton Gipps to be correct and Mr. Hooper incorrect, even then the sum of 890*l.* cannot be charged against me; Mr. Ruscoe must account for that. I have paid over all the sums that Mr. Ruscoe has returned and paid to me, deduced from the fee book.

627. Viscount *Hutchinson.*] I will go on with Account B. I will draw your attention to this. In 1844 you admit the receipt of 3,086*l.* 5*s.*?
Yes.

628. If you turn to the credit side of the account in the year 1845 the payment which corresponds with that is on the 2d of May 1,642*l.* 2*s.* 2*d.*?
Yes.

629. And no further payment appears by this account to have been made upon that receipt of 3,086*l.*, so that there appears to have been a deficiency in that year of, in round numbers, 1,400*l.*?
That forms a part of the balance of 7,872*l.*

630. Earl of *Derby.*] That forms a part of your admitted deficiency of 7,872*l.*?
Yes; and I will show how that must have happened. This relates to the two later quarters of the year 1844. I find endorsed upon the back of this affidavit two sums with the date of September 1844, as though I had paid that amount in September 1844. I find endorsed upon the back of this affidavit, which refers to the third quarter of 1844 to September 1845, a payment of 1,444*l.* 2*s.* 10*d.* In going through the accounts with the accountant I discovered that that sum of 1,444*l.* 2*s.* 10*d.* had not (why I cannot tell) reached the Bank of England.

631. And no cheque for it appears in the pass book?
No; that formed a part of the sum of 7,872*l.* Having made this discovery, I charged myself with it in paying over the balance. How and why it happened that, having endorsed it as paid on this affidavit, I have not paid it, I cannot tell; but the next payment was 1,782*l.* 4*s.* in February 1846. It appears that I had found that endorsement when I proposed to make the payment at that time in February 1846. Proposing to make the payment, and finding that endorsement, I conceived, without further

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further inquiry, that I had made that payment of 1,444*l.* 2*s.* 10*d.*, and then went on and made the payment of 1,782*l.* 4*s.* I can only account for it in that way.

632. Viscount *Hutchinson.*] What check did you keep over these payments; had you any private account of your own in which you kept a statement?
Those were the cheques.

633. You kept no account?
No.

634. Then the pass book was the account book?
The pass book was the account book.

635. Of course the pass boek was regularly written up at stated periods?
Yes; this pass book, the original pass book, was written up subsequently. I had either mislaid or lost the succeeding pass books, and this was all written up by Messrs. Coutts from this point lately (*pointing out a part of the pass book*).

636. When? At the time of the inquiry?
In June last, at the time of this inquiry.

637. Lord *Panmure.*] You do not doubt that it is correctly written up, I suppose?
No doubt it is correct; it was all written up by Messrs. Coutts. As to this 1,444*l.*, from this period onwards there is no borrowing whatever for eight or nine years, and therefore this was evidently a slip, a mistake, and not in any way intended to meet any difficulty; it could not have been intentional. It is stated by Messrs. Greenwood and Hindmarch that I took this 1,444*l.* wilfully. Now there is no such thing whatever; there is no appearance whatever of anything of the sort, or that I took any sum whatever in that way. It is not the fact.

638. Viscount *Hutchinson.*] Can you state in round numbers, by inspection of the pass book, what the balance in your favour was at the time when this payment ought to have been made?
I find in the following June a balance of 2,098*l.*

639. That is in June 1845?
That is in June 1846; that payment ought to have been made, according to my mode of paying, in February 1846. Instead of paying 1,444*l.* at that time, I went forward and paid the larger sum of 1,782*l.* Mr. Hooper and myself discovered this in making out the accounts. Of course I charged myself with it when I paid over the balance, but I was not in the least aware of it before that discovery. It must have come to that in the end, after going on in that way, and making these payments; whenever the accounts were entered into and investigated this would have appeared undoubtedly.

640. Earl of *Derby.*] Will you now address yourself to the third charge?
"The third charge is, that I improperly caused to be transferred to the credit of my "private account with Messrs. Coutts from my separate account kept with them for the "public purpose of Her Majesty's Patent Office, and applied to my own use, divers "sums of public money." I propose to read from my answers to Mr. Greenwood's observations on that head.

641. *Chairman.*] Will you have the goodness to hand in the whole of your reply to the remarks of Mr. Greenwood?

The same is handed in. (*Vide Appendix A., page* 373.)

642. Will you now proceed with the passage you were about to read?
"The monies passed through my hands in the Patent Office Account, and received and disbursed by me in the several accounts, the Exchequer, the Suitors' Fund, the Hanaper, the Sealers and Chaff Wax, and for which I have been answerable, have within the 19 years (September 1833 to October 1852) amounted in the aggregate to the sum of 147,000*l.* Of this sum of 147,000*l.*, not one third was received on account of the Exchequer. The monies imprested to me from time to time by the Treasury, for the incidental expenses of the office, under the Patent Law Amendment Act of 1852, and disbursed by me, have, within the 12 years from October 1852 to August 1864, (including the comparatively small sums received on sales of printed specifications,) amounted, in the aggregate, to the sum of 108,000*l.* Altogether I have within the 31 years above mentioned received in cash, disbursed, and been made answerable for the enormous sum of 256,000*l.*, over a quarter of a million of money. In respect of the

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the monies received and disbursed in the last 12 years (108,000*l.* for incidental expenses under the Act of 1852), I have rendered half-yearly accounts to the Treasury. Such accounts have all been duly investigated and audited by the Commissioners of Audit. They have all been passed; no difficulty has ever arisen on any one of them; and not one sixpence expended by me has ever been disallowed. In respect, however, of the large sums of money received on account of and paid to the Exchequer under the Act 3 and 4 Will. 4. chapter 84. unfortunately I was never put under audit. I never rendered, or was called upon to render, to the Treasury, to the Commissioners of Audit, or to any authority whatsoever, any account of receipts and payments of any description, although for 19 years in succession large sums on this account were paid by me half-yearly through the office of the Comptroller of the Exchequer to the Bank of England—"

643. That last passage is subject to some correction, in consequence of what appears in the letter from the Treasury in reply to your application for the payment of your salary?

I have never rendered any account of receipts and payments of any description.

644. You deny that you have ever been called upon to render to the Treasury any account of receipts and payments of any description?

Yes, or ever been put under audit. "—the specification paper on each payment, " stating that the money was paid on account of fees received in the Patent Office " under the Act 3 and 4 Will. 4 chapter 84. If yearly accounts had been required, " rendered, and duly audited in relation to this account, it is obvious no mischief or " difficulty could ever have taken place. In the receipts, disbursements, and payments " of the above-mentioned large sum of 256,000*l.*, running over 31 years (the first-" mentioned proportion of 147,000*l.* having been received in the office in small sums " ranging from 30*s.* to 10*l.* or 20*l.*), I have undoubtedly sustained losses to a very " considerable amount (1,400*l.* to 1,500*l.*), and from the monies I have paid over I " have made no reduction whatever in this respect from any one of the above-mentioned " accounts, it cannot be maintained that in any transfers that may have been made from " the Patent Office account to my private account such transfers were made exclusively " from the monies received on account of the Exchequer, as asserted by Messrs. Green-" wood and Hindmarch." That, I think, is very obvious from the account itself, because the receipts are in sums paid by Mr. Ruscoe, 500*l.*, 600*l.*, 640*l.*, and so on.

645. I do not quite understand your point?

The point is this, I am charged with having made these transfers to my private account from the Consolidated Fund account. I made those transfers from the general account, which general account contained the monies coming in under various heads.

646. Lord *Chelmsford.*] We have given it the name of the Patent Office Account; that is the account to which we are directing your attention?

I will call it the Patent Office Account.

647. When did you begin to draw upon that Patent Office Account for the first time for your private account?

That I cannot very clearly make out; your Lordship means in the way of borrowing.

648. In the way of borrowing from the Patent Office Account. Perhaps I may be able to direct you to it. There is a sum of 846*l.* 5*s.* 6*d.* in 1834?

Certainly it was not in 1834. I have answered that. I can turn to it at once, if necessary.

649. That may mislead us as to the time. I only wanted to know at present when you first began to borrow from the account. You will use your own discretion in replying to that question?

I think it may possibly have been as far back as February 1835. I find an even sum of 200*l.* transferred at that date. Every borrowing that I made from that account was in a fixed certain sum; it is what may be called ear-marked. I find the preceding entry is, " To your general account, 144*l.* 8*s.*" Now that was evidently for some particular purpose. I will undertake to swear that that sum of 144*l.* 8*s.*, being an odd sum, was not a sum borrowed.

650. Would you have the goodness to confine yourself to those sums that were borrowed upon that account, not mentioning those that were not?

I think those sums may be, January 1836, 50*l.* That may have been borrowed. I cannot be sure.

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651. Do you know the whole amount that you borrowed from that fund, from the beginning to the end?
From the beginning to the end, not more than 2,500*l.* certainly, and in no one year any sum exceeding 400*l.*, and only in two years sums to that amount. In other years small sums, 300*l.*, 200*l.*, 100*l.*, and sometimes as small as 50*l.* That 50*l.* I can account for.

652. You say that those sums which you borrowed from this fund were ear-marked; is that so?
Yes. I intended them in that way, for re-transfer.

653. Did you restore those very sums which were so ear-marked in your book to the Patent Office Account?
Not the very sums. Two years back I restored a sum of 1,450*l.*, which I at that time believed would cover the amount of deficiencies.

654. How long was that after you had borrowed those sums?
A long time.

655. *Chairman.*] After the inquiry was instituted?
No; there was no inquiry instituted then.

656. Lord *Chelmsford.*] When you say a long time, how many years do you mean?
A good many.

657. Lord *Panmure.*] Was it about 1863 when you sent in your resignation, and applied for a pension, that you paid in this amount?
It was in the early part of 1863; my object at that time was to get out of the office.

658. Lord *Taunton.*] You mentioned the Union Bank. Had you any account with that or any other bank besides Messrs. Coutts?
No, never.

659. Lord *Chelmsford.*] After you began this practice, as I must call it, of borrowing from the Patent Office Fund, did the balance in the hands of Messrs. Coutts and Co. ever represent the sum that was due from you to the Treasury?
Probably not. No, it did not, except within the first two or three years. I admit everything clearly without reservation.

660. What was the balance in that Patent Office Account at the time of the examination by Messrs. Greenwood and Hindmarch, namely, last June?
Very nearly 5,000*l.* In April 1864 there was a balance of 4,927*l.*

661. At that time you were indebted to the Treasury in the sum of 7,800*l.*?
Yes.

662. Where was the rest of that money?
On the 27th of June I paid to this account 993*l.* 13*s.* 1*d.*, that is to say, 500*l.*, representing the stamp money that had got wrong into my private account, and another sum of 493*l.*, and I believed at that time, in June 1864, in paying in this sum of 993*l.* 13*s.* 1*d.*, that that represented the full balances.

663. Lord *Chelmsford.*] That turned out not to be the case?
It turned out not to be the case.

664. Where was the rest of it?
There was a deficiency of 1,982*l.* 7*s.* 6*d.* which came out in the investigation of the accounts by Mr. Hooper, this 1,444*l.*, and another sum of 404*l.* There had been another error discovered in the payments to the Consolidated Fund.

665. In making up that account, in reaching the balance of 7,782*l.*, did you debit yourself with interest upon that sum?
No; I received no interest.

666. I want to know whether in making up the 7,872*l.* you debited yourself with interest upon the monies which ought to have been paid over to the Treasury, and which were in your hands?
No.

667. Then that 7,872*l.* is independent of interest?
Yes. I do not conceive that the Treasury make any claim for interest.

668. Lord *Panmure.*] I apprehend that if that sum had been paid in at the proper time the Treasury would have received interest upon it from other quarters?
That may be so.

669. Lord *Chelmsford.*] With regard to the remainder of the sum required to make up the 7,872*l.*, where was that money at the time when it became necessary for you to pay in the actual balance which you admitted to be due to the Treasury?
That money was in my own possession. Mr. Leman had money of mine in his hands, and has had in his hands for years; left it in his hands really to meet these deficiencies.

670. Earl of *Clarendon.*] Does he pay any interest upon that?
Yes, he did.

671. Then that was public money upon which you were receiving interest?
Not public money; it was my own money that I always had available at five minutes notice. I did obtain it at five minutes notice when required.

672. This was money that ought to have been paid years before into the Treasury, and was not paid, and therefore it was public money; you had lent that money to your solicitor, and he was paying you interest upon it?
Yes.

673. Lord *Chelmsford.*] The whole difference between the sum that was the balance in your bankers' hands and the 7,872*l.* was made up by money which you had placed with Mr. Leman at call, and which you called in from him?
Yes. I could have paid this sum at any time from 1853 to the present time; at any moment I had command of money to have paid it.

674. Earl of *Derby.*] That is by calling in from Mr. Leman the money that you had advanced to him?
Yes, as also from other funds.

675. Earl of *Clarendon.*] You have alluded to a sum of 1,444*l.* that was received by you in the year 1844; that was never paid in at all, was it?
It was not paid over to the Exchequer at all as it appeared.

676. It never was?
No; it entered the balance of 7,860*l.*

677. What became of that; was that also included in the monies that Mr. Leman had?
No, I did not take it out of the account; it went on in the account. I did not transfer to any other account.

678. Then it constituted part of that balance that was due which you began not to account for?
Yes, I never transferred any such sum, or any equivalent sum, or anything approaching to it at that period, namely 1846. I have not for years transferred anything.

679. It is marked as a nonpayment?
It was an accidental nonpayment arising from my having taken 1,782*l.* instead of 1,444*l.*; I can account for it in no other way; and I find endorsed upon this affidavit at that time (for all these endorsements were made at the time of the payments) a statement that the 1,444*l.* was paid. All these sums ought to have been paid up in 1853. But for that accident of the omission in 1853 no mischief would have arisen. I do not give that as an excuse, I state a fact.

680. In August 1852 you paid in 1,722*l.*, which were the produce of the two quarters of 1850?
Yes.

681. 692*l.* and 1,029*l.*?
Yes.

682. After that year there were six half years of fees down to June 1852, which had amounted to the sum of 4,618*l.* When, therefore, you paid the 1,722*l.* in August 1852 there still remained the balance of those six sums, amounting to 4,618*l.*, and the balance then in your hands was 5,190*l.*?
Yes; but it was in Messrs. Coutts' account within 2,500*l.*; it was in the bankers' hands.

 683. In

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683. In the bankers' or in Mr. Leman's hands?
No, in the bankers' hands. In April 1864 there was in the bankers' hands close upon 5,000*l.*

684. There was over 5,000*l.* was not there; was not it 5,190*l.*?
Yes.

685. That was standing to your private account?
No, to the public account; the Patent Office account.

686. And then the payment was made into the Exchequer afterwards?
Yes, afterwards into the Exchequer. The pass book shows clearly that for the last eight years there never was any transfer of any kind or description even to meet an error. There was not one transfer from the Patent Office account to my private account, and I never did take money over the counter in any form or shape. Every transfer that I made was in a fixed sum; it was made by cheque fixing the sums for repayment.

687. Lord *Taunton.*] You received no monies except those that appear in the pass book?
None whatever.

688. Earl of *Derby.*] If you will turn to page 12 of these papers you will see the reference which Messrs. Greenwood and Hindmarch make to your transactions with regard to Mr. Smith, upon which they make some very strong remarks?
Yes; what they say with regard to Mr. Smith's defalcations I have answered in my first answer at page 21; it is the only charge of falsification. I am charged here with a wilful falsification of my accounts with the Treasury, which is a very different charge from any charge of having borrowed money or any matter of that kind. It is a specific charge of a wilful falsification of accounts, and that is met in my statement. The pass book proves that the money lay dead in the bank. "The fourth charge made by the "letter of the 25th July alone remains, that of improperly retaining in my hands the "sum of 399*l.* 7*s.* 4*d.*, part of a sum of 749*l.* 7*s.* 4*d.* paid by or on behalf of John S. Smith "for the purpose of making good monies received by him (Smith) in the Patent Office, "and improperly applied by him to his own use. There is a wide discrepancy between "the terms of this charge and the statement of its supposed particulars as contained in "the Preliminary Report, but as the letter refers to the Report I proceed to consider "the latter. The Report is evidently founded upon an entire misconception of facts. "I received the sum of 749*l.* 7*s.* 4*d.* from Mr. Woodcroft by a cheque of Messrs. Cunliffe (solicitors), dated the 15th May 1861. This cheque was at once paid in by me "to the credit of my 'Patent Office Account' with Coutts'. It may be useful to "remind your Lordships that this 749*l.* 7*s.* 4*d.* represents monies received on account of "sales of specifications, and that the monies so received had ever since those sales "commenced in 1855 been paid over by Mr. Duffield to Mr. Ruscoe, and applied by "Mr. Ruscoe under my directions towards defraying the incidental expenses of the "office, I accounting for the same to the Treasury. The sum of 749*l.* 7*s.* 4*d.* was "properly applicable in the same way. On the 17th July 1861 I gave Mr. Ruscoe a "cheque for 350*l.* on account of the amount so paid over to me towards defraying the "smaller outstanding incidental expenses for the half year ending 30th June 1861 (these "small incidental expenses amounted half yearly to from 400*l.* to 600*l.*), reserving the "balance (approximately the other moiety) to be used in payment of the smaller "incidental expenses during the following current half year ending 31st December 1861. "I went out of London in August 1861 to the north of Scotland for the long vacation, "and did not return until November, and from that time until November 1862 the "existence of the balance of 399*l.* 7*s.* 4*d.* wholly escaped my memory. The omission "was then discovered, and a cheque on my 'Patent Office Account' given to Mr. Ruscoe "for the balance towards liquidation of the current expenses, and the amount duly "credited in the half-yearly account ending 31st December 1862. It is true that in "the interval between July 1861 and November 1862 I had examined the drafts of "the half-yearly accounts ending 31st of December 1861 and 30th June 1862, but "there was nothing in those accounts to draw my attention to the subject of this "balance. Had I occasion to refer to the half-yearly account ending 30th June "1861, in which the 350*l.* was credited, the existence of the balance would undoubtedly have presented itself to my mind, but I had no such occasion, each "half year's account being complete in itself, and it being not even necessary to refer "to the previous account for the purpose of checking my balance brought forward. "Nor were the previous accounts referred to by Mr. Ruscoe and myself on the

"occasion

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" occasion of my going through the drafts of the two next accounts. Neither had " I occasion to refer to my Patent Office Account Book, an inspection of which " will show that the only intermediate entries are, on the credit side, the sum of " 101*l.* 16*s.* 10*d.* paid to me on 24th May 1862 by Mr. Ruscoe in respect of the " aggregate amount of old Patent Office Fees, payable partly to the Consolidated " Fund and partly to the Accountant-General of the Court of Chancery; and on the " debit side the sum of 30*l.* 2*s.* being a cheque drawn against that account for the " apportioned share of the 101*l.* 16*s.* 10*d.* payable to the Accountant General. I " submit, therefore, that there is nothing in the least difficult to reconcile with what, " whether difficult of belief or not, is nevertheless true, that the subject had escaped " my memory. It may perhaps be useful to point out that any fraudulent attempt to " withhold the money must necessarily have failed; indeed the error, if not discovered " when it was, would have become apparent a few weeks later, on the audit by the Com- " missioners of Audit of the accounts of 1861, and in this way: the particulars of Smith's " defalcations extended over three years, were written up in 1861 by Mr. Duffield, the " clerk, with dates of sales, numbers, and prices of specifications, in a supplemental book " apart from the regular sale book of 1861, and this supplemental book was forwarded " with the regular sale books to the Audit Office. Taking the whole of the sale books of " 1861, regular and supplemental, they would show receipts on sales in excess of the " sums credited by me in 1861 to the amount of 399*l.* 7*s.* 4*d.*; and, on the other hand, " omitting the supplemental sale book, the sums credited by me would be found in " excess of the regular sales by 350*l.*; discovery was therefore inevitable. The just " result is that there was an omission in not making the balance available in that half " year, ending December 1861, towards payment of incidental expenses, but that every " ascertained fact confirms my positive statement that this omission was through over- " sight, in reference to which, moreover, it must be borne in mind that during the whole " of this interval the 399*l.* 7*s.* 4*d.* was lying dead in Coutts' as part of my Patent Office " Account balance, then amounting to upwards of 3,000*l.*, and that no conceivable " advantage could result to me from increasing the balance by the sum in question. As " respects the expression of conviction on the part of Messrs. Greenwood and Hind- " march, who, speaking of this sum, say, 'We have no doubt that as well as " ' the money the balance of Smith's defalcation, as the money owing to the Consoli- " ' dated Fund, was wilfully misappropriated to his own use, and that he intended " ' to keep it or spend it as it suited his private convenience,' I would submit " that, with a copy of my Patent Office Account Book in their possession, nothing " short of a readiness to think evil could have led them to that conviction. The " whole 749*l.* 7*s.* 4*d.* was paid in on the 17th August 1861, and the only inter- " mediate drafts besides the 350*l.* are the two sums for the Accountant General's " share of old Patent Office fees in July 1860 and July 1861. How I could *de* " *facto* have misappropriated to my own use what was in fact lying dead to this " special account at my bankers I am at a loss to conceive. Their expression of " conviction respecting my intentions I am of course unable to meet, except by " reference to inconsistent facts. It certainly would seem that had my intentions been " of the unprincipled description which in this part of the Report, as elsewhere, they so " freely imputed, the payment of the money to the special account, so often referred to, " was not the most apt mode of carrying them into effect. Had I held the sum under " consideration strictly as a trustee, I should be dealing with it as I in fact did, have " been held in a Court of Equity to have shown irrefragably my desire and wish to deal " properly with my trust monies. It can hardly be suggested that because my duties " towards the Crown were to pay, and not to hold upon trust, the careful ear-marking " of the amount due is evidence of an intention to spend as might suit my personal " convenience. One minor point remains to be noticed in connection with the fourth " charge. It is stated in the Report, as if to increase the abhorrence which my " alleged fraudulent conduct should inspire in honest minds, that the sum of 749*l.* 7*s.* 4*d.*, " of which the 399*l.* 7*s.* 4*d.* formed part, had been, under pressure from me, raised by " the clerks in the specification division of the office. It would seem intended to hold " me up to scorn as a man who, after wringing from the small incomes of his subordinates " the amount needed to make good defalcations attributable to general want of good " management, had afterwards proceeded to misappropriate to himself a portion of the " hardly raised sum. For the credit of human nature it is to be hoped that there are " few men capable of such conduct, and Messrs. Greenwood and Hindmarch, believing " as they did that the sum of 749*l.* 7*s.* 4*d.* had been provided in the mode which they " state, might in common charity have paused before attributing to me such a depth " of baseness, and might have found in the alleged source and origin of the fund an

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" additional reason for giving credit to my positive assurances that the 399*l.* 7*s.* 4*d.* had " remained unaccounted for through oversight. But, in truth, the foundation for this " increased odium fails. The 749*l.* 7*s.* 4*d* was in fact, according to the information " which I received at the time, raised by Messrs. Cunliffe, the solicitors before referred " to, by a mortgage upon certain house property belonging to Smith, which property " was subsequently sold under the provisions of the mortgage deed, and realized the full " amount secured.

" After the mortgage had been given it was discovered that Smith and Mr. Duffield " had been wrong in the castings, which had not been properly checked, and other " small errors were found. These were represented by three sums of 22*l.*, 21*l.*, and " 76*l.* The two first sums Mr. Duffield advanced to Smith, taking his chance of " repayment in a sale of the property, and on Duffield subsequently mentioning to " me the sum of 76*l.*, and stating that Smith could not pay it, I lent that sum to " him (Duffield) giving him my check on my private account at Coutts', with " directions to pay it over to Mr. Ruscoe, and thus finally to make good " Smith's defalcations, taking a promise from Duffield and my chance of repayment " upon a sale of the property, I standing, so to speak, as third mortgagee therein. " About twelve or fourteen months afterwards, the property having been sold, " Duffield repaid me the 76*l.* and, as I was informed, out of the proceeds of the sale." Then I wish to read from the last paragraph of page 38: " Mr. Greenwood states at " page 15 of his observations or replies, repeating and reiterating the charges in the " Preliminary Report contained, ' Fifthly, as to withholding 399*l.* 7*s.* 4*d.*, though passing " ' his accounts three times with the Treasury without noticing it, *that charge remains* " ' *also undenied.* Mr. Edmunds repeats that he forgot the sum. If it had stood alone " ' such an excuse might have been entertained. But linked as it is with the rest, larger " ' and numerous sums, all withheld and none forgotten, the alleged forgetfulness of this " ' particular amount seems incredible, and *we* who *have heard him* and *seen him*, " ' disbelieved him ' (which I am now constrained to repeat). ' That charge remains " ' almost undenied ! ! ! I am now constrained to repeat ! ! ! '—that is, he is constrained " to repeat—a *disbelief* in the statements in my replies, addressed to the Lord Chancellor " on the 20th September last, relating to this particular subject. Mr. Greenwood appears " to be incapable of reading or understanding a plain statement, or of understanding " documentary evidence the most conclusive. Every charge, every false imputation, " every false insinuation, every word contained in the Preliminary Report relating or " in reference to the disposal of the balance of Smith's payments (399*l.* 7*s.* 4*d.*) have been " fully and distinctly refuted and disproved in my answers thereto addressed to the Lord " Chancellor of the 20th September last. No unprejudiced person in reading the " answers and documentary evidences adduced in support thereof (particularly the " evidence of the pass book itself, so much studied by Mr. Greenwood,) can possibly " doubt the truth of my statements in explanation. Mr. Greenwood ventures to " reiterate and repeat his utterly unfounded guesses, suspicions, and *pretended disbeliefs* " in the most offensive and most unjustifiable terms. He had no right in any shape to " state or to insinuate beliefs, disbeliefs, or suspicions; his manifest duty and the duty " of his colleague was to ascertain and to state facts, not to try and condemn. I " venture to say that he *does not* now disbelieve my statement, or any part of it. " I venture to say that he never did disbelieve it; and I venture to say that " no other person, having read and considered my statement, can be found to concur " with him in such pretended disbelief. He repeats the charge contained in the " Preliminary Report,—a distinct charge of *wilful, fraudulent, and intentional* falsifica- " tion of accounts,—' in three times having passed false accounts to the Treasury;' " that ' *I misapplied to my own use the balance of Smith's defalcations*, and that " ' *I intended to keep it and spend it as it suited my private convenience.*' This " is the charge which Mr. Greenwood thinks it decent and proper again to *repeat* " *and reiterate* in the face of the evidence adduced, all pointing to one conclusion, " and particularly to the evidences ' on the face of the pass book,' showing distinctly and " clearly that the balance in question (399*l.* 7*s.* 4*d.*) was *lying dead* in the Patent Office " Account at Coutts'; and that neither that sum, or one single sixpence of the large " balances there standing, had ever been touched or transferred or used by me for any " private purpose for an uninterrupted period of eight years *preceding and succeeding* " the payment of this sum into the account, and the drawing out of the same a twelve- " month later for payment of incidental expenses in the Patent Office; but that, on the " contrary, the balances had during that time been largely increased. (See Answers to Pre- " liminary Report addressed to the Lord Chancellor, 20th September 1864.) It is to be " remarked, that Mr. Hindmarch does *not* sign this Second Report or Observations, and

that

" that Mr. Greenwood does not venture to implicate him in the reiteration of his pre-
" tended disbeliefs, or in the reiteration of a charge of wilful falsification of accounts.
" Mr. Greenwood speaks for himself singly in this matter, repeating the offensive words
" of the Preliminary Report, and adding at the end seven words of his own: ' and we
" ' (who have heard him and seen him) disbelieving him, which I am now constrained to
" ' repeat.' He is undoubtedly constrained as an honest man to retract, *not* to repeat;
" and I am again obliged to retort upon his conduct in this respect his own words ' disgrace-
" ' ful and dishonest.' Messrs. Greenwood and Hindmarch undoubtedly ' *saw me*,' but
" the allegation that they ' *heard*' me is utterly untrue. They did not hear me. They
" did not ask one single question of me or of any other person, or make an inquiry of
" any description whatever, on the subject of or in reference to my written explanation
" of this transaction addressed to the Lord Chancellor and the Commissioners of
" Patents in 1862, and again repeated verbatim in my answers to the Lord Chancellor
" of the 20th September last. Nothing passed whatever thereon. Mr. Greenwood
" took the paper in question out of his bag, showed it to me, and asked me simply
" whether ' I held to it,' or words to that effect. I answered, that ' I did hold to it, and
" that it contained the simple truth clearly and distinctly proved thereon by evidence.'
" Nothing more passed. He made no further remark; he put the paper back into his
" bag, and proceeded at once to some other subject. Mr. Hindmarch said nothing on
" the occasion. Messrs. Greenwood and Hindmarch gave me no notice whatever, either
" on that or on any other occasion, that they had so serious a charge in contemplation
" to be conveyed in such furious and exaggerated terms. I had no suspicion that any
" such charge was impending; indeed no one could surmise that any two gentlemen,
" gifted with ordinary and reasonable understanding of the difference between right and
" wrong, could be guilty of such a proceeding. No man could suspect or imagine that
" this charge by *comparison* in effect and in intensity,—*the* serious charge in the whole
" Preliminary Report,—should have been composed confessedly, upon mere surmises or
" guesses, and not upon evidence." I have hardly any remark to make upon that subject. This charge appears to have been given up; it is not again touched.

689. *Chairman.*] When was it given up?

In this Second Report there is no allusion to it; in Mr. Greenwood's observations, to which this is an answer, there is no allusion to this question.

690. In Mr. Hindmarch's there is?

I take no notice of Mr. Hindmarch's Report, I received it only two days back; my answer, from which I have read this extract, is an answer to Mr. Greenwood's observations.

691. Mr. Greenwood, in his remarks, says, " As to withholding 399*l.* 7*s.* 4*d.*, though
" passing his accounts three times with the Treasury (without noticing it), that charge
" also remained undenied?"

Yes, I have just read my answer to it.

692. Earl of *Clarendon.*] How can you say that it is given up then?

There is no further mention in the Second Report, dated February last, of this matter. I naturally supposed it given up.

693. Lord *Panmure.*] But the Second Report is made upon other matters altogether, is it not; upon new matter as it were?

Yes; but they drag into it old matter; they draw into it the discounts, for instance.

694. *Chairman.*] (*To Mr. Greenwood.*) You have heard what Mr. Edmunds has stated, have you withdrawn the charge?

No, I hardly hear what Mr. Edmunds says, and I do not like to interpose from time to time, because I am not prosecutor. I have been asked to make some inquiries, and to make a Report, and I have done so to the best of my judgment. It is most disagreeable for me to sit here and have to interrupt the evidence as if I had some feeling in the matter. I have none whatever. I may say upon this point that 399*l.* did not belong to the Consolidated Fund at all; it was a sum of money that ought to have been credited to the Treasury when they made their advances from time to time; a credit was always opened to the Treasury upon one side of the account for the sales of specifications. This was an amount of defalcation of monies taken by Mr. Smith upon the sale of specifications, and when it was handed over in full there was a sum of 749*l.*, I think, which ought to have been paid immediately by Mr. Edmunds. Then it appears that he paid about 350*l.*, or gave credit to the Treasury for about 349*l.* or 350*l.*, the remaining 399*l.* being left, as it turned out, in this Patent Office account, which was

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entirely unknown, so that if it had been anywhere else it would have been just the same. And Mr. Edmunds passed his accounts three times with the Treasury after that, and never gave (nor has he given until now) any reason for distinguishing between the 350*l.*, which he did pay over, and the 399*l.* which he did not pay over.

695. I gather from what you state now that Mr. Edmunds' inference from your not having mentioned this charge again in your Second Report, that you have withdrawn it, is wrong?
The Second Report has reference to quite distinct matters. It goes on to deal with monies that we, examining it carefully, as well as we could, found to have been abstracted from the Consolidated Fund; this 399*l.* had nothing to do with it.

696. To *Mr. Edmunds.*] What have you to say in answer to that?
There was a distinct charge made by Messrs. Greenwood and Hindmarch that I had improperly retained this sum of 399*l.* and used it, and that I had not given an account which I ought to have done, by taking it into account in my half-yearly accounts with the Treasury. I have answered all that in lengthened detail, and I have shown distinctly, that so far from having taken this money, that it was lying dead in the separate account.

697. Earl of *Clarendon.*] Did you receive the 750*l.* in one sum?
In one sum.

698. Why was it not paid over then in one sum? Why did you cut it in two?
That is explained in the answers which I have read.

699. Lord *Panmure.*] Upon what principle did you make the clerks contribute to supply this deficiency?
I did not do so. They never did contribute. I deny that utterly. No clerk ever contributed towards Mr. Smith's defalcations. That again is refuted in the answers I have read.

700. Earl of *Derby.*] Then in point of fact there never was any contribution towards making up those defalcations on the part of any of the clerks?
None whatever; not any portion of the 749*l.* Mr. Duffield lent Mr. Smith two small sums, and I lent Mr. Smith 76*l.*

701. Mr Duffield was one of the clerks?
He was a clerk, and the clerk who was to blame in the matter in not checking Smith.

702. He advanced 22*l.* and 21*l.*, and you advanced 76*l.*?
Yes; I advanced 76*l.* to get the accounts through the Audit Office, and close the account.

703. Was any other clerk called upon to make any contribution at all?
None whatever. The sum of 749*l.* 7*s.* 4*d.* was raised by Mr. Cunliffe, a solicitor upon a mortgage of Mr. Smith's house property at Richmond.

704. Then the whole sum was ultimately made up by the original defaulter, was it?
Yes; by the original defaulter.

705. Duke of *Somerset.*] Then it was not contributed by the clerks at all?
No, not at all.

706. In the evidence I find these statements at page 37. *Mr. Greenwood* put this question, No. 1087, "That was money that came out of the private pockets of the "clerks in the office."? To which you answer "That I do not know." *Mr. Greenwood* then puts this question, "Surely you know that"? And you answered, "It was paid "over to me." *Mr. Greenwood* asks again, "It was paid by them"? *Mr. Edmunds.* "Yes." *Mr. Greenwood.* "You called on them to replace it"? *Mr. Edmunds*, "That "is to say I required that the money should be found." *Mr. Greenwood.* "Because as "you say they did not sufficiently superintend Mr. Smith who was a clerk in this office "not appointed by them"? *Mr. Edmunds.* "Well, the Chancellor said that this money "must be found, and I was told then by Mr. Woodcroft and Mr. Duffield that the money "would be found and that was the reason for my not going straight to the Treasury, as "I ought to have done; they had taken a mortgage." *Mr. Hindmarch.* "Am I to "understand that this sum of 749*l.* was paid into your private or your Patent Office "Account at Coutts'? *Mr. Edmunds.* "Into the Patent Office Account at Coutts'." *Mr. Hindmarch.* "And then you gave Mr. Ruscoe a cheque for 350*l.*"? *Mr. Edmunds.* "Yes."

"Yes." *Mr. Hindmarch.* "All that will appear in your pass book probably"? *Mr. Edmunds.* "Yes."

Yes.

707. Earl of *Derby.*] Then Mr. Woodcroft and Mr. Duffield were the two persons who undertook to find the money?

They were the two persons who undertook to find the money. I had no communication with Mr. Smith at all. This was a transaction in Mr. Woodcroft's office, and when the thing was discovered Mr. Woodcroft came to me upon the difficulty, and I was immediately proceeding to the Treasury to give the information, that Smith in taking the money over the counter had robbed the till in truth. Mr. Woodcroft came to me the following day, and said, "The money will be made good, for Smith has come "forward and will give a mortgage upon his property." I said "Very well, I will give "you a few days, a week or so, and if the money can be found in that way let it be so; "of course I suspend any report to the Treasury." And within a week or ten days from that time, or some such time as that, Mr. Woodcroft handed over to me a cheque of Mr. Cunliffe's, the solicitor, who had raised the money and taken the mortgage on Smith's property.

708. *Chairman.*] Why did you not state all this to Messrs. Greenwood and Hindmarch when they were examining you upon the subject?

They never examined me at all upon that. You mean in July last; not a word.

709. Earl of *Derby.*] Here is the examination which has been read over to you?

It says that "that was money that came out of the private pockets of the clerks in the office?" To which my answer is "that I do not know."

710. *Chairman.*] It appears that you do know, for you have given a statement according to which it did not come out of their private pockets, but from a mortgage upon the delinquent's property?

As I said before, all I knew was this,—Mr. Woodcroft told me the day after the discovery was made that these defalcations had taken place, and then what I have already stated occurred.

711. I am not doubting your statement as to the facts of the way in which the money was raised, the only thing I regret is that you did not give that full explanation of it at the time of the inquiry, and that instead of that you gave answers which were calculated grossly to mislead the gentleman conducting the inquiry?

I do not see that it grossly misleads them in any way. The question asked was "that was money that came out of the private pockets of the clerks in the office? My reply was "that I do not know."

712. You have just stated to the Committee that at that time you did know that the money came from the proceeds of a mortgage upon the property of the clerk who committed the defalcations?

I did not know until Mr. Woodcroft put Messrs. Cunliffe's check into my hands.

713. Lord *Panmure.*] I observe that two minutes afterwards you mentioned the mortgage?

Yes.

714. Lord *Chelmsford.*] This was the state of things: There was a mortgage given to raise the money, the money raised by the mortgage was found to be insufficient, and Mr. Duffield subscribed or advanced 43*l.*, and you advanced 76*l.* to make it up?

Yes.

715. Lord *Taunton.*] Did you consider this clerk, Mr. Duffield, specially responsible for the misconduct of Smith?

Yes, I considered he was specially responsible, I proposed to report him and Mr. Woodcroft to the Treasury. I had nothing to do with it, it was in Mr. Woodcroft's office; I had nothing to do with the taking of this money.

716. Why were those clerks specially responsible; it might have been a positive fraud?

They were specially responsible for not having put the proper checks upon this man, there was no check whatever.

717. Those defalcations had extended over some time, had they not?

They ran over several years, I believe four or five years. There was no check whatever upon his taking money, he accounted as he thought proper. In the

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outset I said "You Mr. Woodcroft and you Mr. Duffield are accountable, you "must account for this transaction," but not meaning that they were to pay the money, and I said, "I must go immediately to the Treasury, and report." But the following day Mr. Woodcroft came to me and said, "The matter will be put right, for "the man will give a mortgage, and the money will be raised," and I said, "Very well, "do not talk to me about it; it is not a very regular transaction; you produce the "money, and that is all I require." That was something like it. I did not choose to enter into the details with him as to how the money was to be raised. What I complain of is this utterly false statement, that I made the clerks in the office contribute to pay this sum. I did nothing of the kind; there was never any question raised about it. What I complain of is that Messrs. Greenwood and Hindmarch having made this charge against me in their First Report, Mr. Greenwood reiterates it after the explanation, which made the thing as clear as possible. He repeats the charge of wilful falsehood and intentional falsification of the accounts.

718. Earl of *Derby*.] Are you prepared to enter upon the examination of the Second Report, because there are some other charges which involve a considerable addition to the amount of your supposed liabilities. Are you prepared now to enter upon an inquiry into them?

Yes; I cannot answer all these various allegations; but I can go into the five sums.

719. Do you remember when you received that Second Report?

I first saw it on the 6th of February, and I immediately applied to Mr. Greenwood by letter.

720. That was the day before Parliament met?

Yes; that was the first day that I saw it. I rather think it came into Mr. Leman's hands on the Saturday preceding; but the first time I saw it was upon Monday morning the 6th of February.

721. *Chairman.* You believe that it was delivered to Mr. Leman upon the 4th?

I believe it was delivered to him some time upon the Saturday preceding. When I read this very lengthy document, I wrote to Mr. Greenwood to request him to give me access to all the accounts, and to furnish me with copies of such of the accounts as I should require; meaning, amongst other things, this Blue Book; I did not know that such a thing existed, but I wanted the account which I have never had until I found it here yesterday. I never received any answer to my letter to Mr. Greenwood.

722. Earl of *Derby*.] Have you got a copy of that letter?

Yes.

723. This letter was written upon the receipt of the Second Report, was it?

Yes, upon the receipt of the Second Report.

724. Will you put in your letter?

I will read the letters, the rough copies. The first letter is dated 8th February 1865.

725. Had you made no communication between the 6th and 8th of February?

No; I barely had time to read it in those two days. I will read the first letter.

The same was read as follows:

"Sir,

I beg to refer to your 'Second Report, Patent Office Inquiry,' a copy of which I received two days since. As such Report appears to be lithographed I have to request you will send me three additional copies. You have therein charged me with having between the 1st of January 1834 and the 31st December 1836 omitted to pay to the Suitor's Fund of the Court of Chancery two sums, making together 496*l.* 5*s.*, and you have further varied and increased this sum of 496*l.* 5*s.* to 560*l.* 7*s.* 10*d.* without one word of explanation accounting for such discrepancy. In your reading of Coutts' 'Pass Book, Patent Office Account,' you could not fail to notice the following payments appearing to have been made by me on account of the Suitor's Fund, and you must allow me to remark that it appears unaccountable that you should have omitted in your Report all notice of such payments:

	£	*s.*	*d.*
August 12, 1834 - - -	171	3	0
March 13, 1835 - - -	210	6	4
April 29, 1835 - - -	72	4	0
February 11, 1836 - - -	296	13	6
February 8, 1837 - - -	608	15	2
	1,359	2	0

You charge me with having received altogether, within the above-mentioned period of three years, 1,315*l.* 6*s.* 6*d.* I have therefore, according to your account, paid 43*l.* 15*s.* 6*d.* in excess. I have to request you will be good enough to furnish me, with as little delay as possible, with all the accounts and materials on which you have founded these charges. I have also to request immediate and free access now and hereafter, and at all reasonable hours, to all accounts used by you in respect of the Suitor's Fund, as also in respect of my payments to the Consolidated Fund on which you appear to me to make further erroneous charges.

Your obedient servant,

John Greenwood, Esq., Q.C. (Signed) L. EDMUNDS."

726. You say you received no answer to that letter?

I received no answer to that letter. I wrote again upon the 21st of February; my former letter having been on the 8th.

The same was read as follows:

" Messrs. Lemans, 51, Lincoln's Inn Fields,
Tuesday, 21st February 1865.

Sir,

I beg leave to refer you to a letter dated the 8th instant (13 days since) addressed by me to you, and left by me at the Treasury on that day, I have to request an immediate answer thereto. I have also to request you will, without delay, furnish me with a copy of a document or account relating to the Suitor's Fund, placed before you by some one, and headed an " Account of sums paid into Court by Leonard Edmunds, Esquire," and I have further to request you will communicate to me the name of the person delivering to you the document or account in question. I also require immediate access to an inspection thereof. I have to repeat my request that you will furnish me with three or four copies of your second (lithographed) Report.

(Signed) L. EDMUNDS.

John Greenwood, Esquire, Q.C."

I received no answer to that letter. I then proceeded to the Accountant General's Office with regard to these sums charged against me, to make inquiries.

727. *Chairman.*] (*To Mr. Greenwood.*) Have you anything that you wish to state with regard to this matter?

I would merely explain the apparent incivility of not answering these letters. A similar application was made to me by Mr. Leman, and I answered him that I did not intend to communicate our Report to anybody at all, except to the Commissioners, by whom we were put in operation. I begged him also to be kind enough to pursue the course he had hitherto adopted of addressing all his letters upon these subjects to Mr. Hindmarch and myself conjointly, as I was extremely anxious not to be drawn into a separate correspondence with Mr. Edmunds. And I determined after the misrepresentation and misquotation of that passage to which I called your Lordships' attention yesterday, to have no private communication with Mr. Edmunds, and therefore I did not answer his letter. I always answered his solicitor.

728. Earl of *Clarendon.*] You stated that you would not feel yourself justified in giving a copy of your Report to anyone, except to the Commissioners of Patents, by whom the inquiry was instituted?

Yes; I have not communicated it to anybody at all, not even to the Commissioners. Mr. Hindmarch communicated it. I wrote to the Lord Chancellor, saying, on account of some reference in it to Treasury matters, that I proposed to communicate to the Lords of the Treasury a copy of it, and that is the only one I have communicated to anybody. There is another reason why I did not comply with Mr. Edmunds' request, and that is I had not these copies. Mr. Hindmarch had had the report printed, and he had them with him.

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729. Earl of *Clarendon.*] (*To Mr. Edmunds.*) Though you did not receive any answer from Mr. Greenwood, you had an answer to a similar application made by Mr. Leman?
There was no application made by Mr. Leman.

730. *Chairman.*] (*To Mr. Greenwood.*) Will you explain this point?
It was afterwards that I received the letter from Mr. Leman. I had learnt from Mr. Edmunds' first letter that he was in possession of a copy of the report, and therefore it was a rather remarkable application to me to furnish him with copies; that was mere stationer's work. I have had applications through private friends, and I have had many applications by gentlemen at the Treasury, but I have refused to show them a single copy.

731. (*To Mr. Edmunds.*) How did the question of this correspondence arise?
What I meant to say was that by reason of the refusal of an answer to these letters I had no access to any accounts or papers of any kind or description, and for that reason I cannot undertake to touch the Second Report. It was printed.

732. (*To Mr. Greenwood.*) Have you anything to say upon the last statement?
The books in the office were of course not in my control. After making our Report we had no authority over the books at the Patent Office. The application ought to have been made to the Commissioners.

733. Earl of *Derby.*] (*To Mr. Edmunds.*) Then, as I understand you, you are not in a position to answer specifically the charges made in the Second Report?
I can do so in the outline.

734. Duke of *Somerset.*] Were you not asked by Messrs. Greenwood and Hindmarch to attend a meeting on the 10th of December 1864, when they would put further points to you with a view to explain the irregularities in your accounts?
Yes.

735. It is stated in answer to that application to you they received only a letter from Mr. Leman, stating that as the matter relates to an office which Mr. Edmunds has since resigned, Mr. Leman has ventured to advise him not to appear personally before them; that is correct, is it not?
Yes; you may take all that to be correct; all the letters set out there I believe are correct.

736. Then again on the 22d of September 1864 a notice was given to you that they would proceed with the Patent Office Inquiry, and they said they should be glad if you would attend and give them further explanations. To that again the answer was declining to attend, I think?
Yes.

737. Therefore, if you had not an opportunity of hearing and explaining the charges against you, that arose partly from your not attending these meetings, did it not?
No, certainly not. I conceived that before this Second Report was published, as it was, I ought to have been furnished with a draft of it, to enable me to explain the various points, and make my answers. I thought that it was unfair behind my back to make this Report, and to publish it. This Report has no doubt been published. It has been in the hands of the public press. That first outbreak in the "Star" newspaper showed clearly that whoever wrote those articles had that Second Report before him. Any one who refers to it must see that.

738. The Second Report is dated the 31st of January 1865?
Yes.

739. These meetings took place in December 1864?
Yes.

740. If you had attended the meetings in December 1864, would you not have had opportunities of setting right any points which required explanation which are referred to in that Report?
I do not know that I should. There has been an omission of a very important letter, addressed by me to Mr. Hamilton of the Treasury.

741. Where does that come in?
It is dated the 31st of December. It is the last of this series.

742. Will

742. Will you read it?

The same is read, and is as follows:

"Messrs. Lemans,
51, Lincoln's Inn Fields,
31st December 1864.

Sir,

I have the honour to enclose copies of my answers addressed to the Lord Chancellor, of the 20th of September and 17th of December last, to the reports of Messrs. Greenwood and Hindmarch, and also copies of several letters that have lately passed between Mr. Leman on my part and Messrs. Greenwood and Hindmarch.

In reading these answers and letters (which I beg leave earnestly to request) you will be able fully to understand my reasons for declining, as at present advised to, attend the summons of Messrs. Greenwood and Hindmarch, and to submit to be tried and condemned a second time by them.

I have nothing to conceal or evade on any questions which have arisen, or may hereafter arise, on my account in the Patent Office. My intention has ever been to meet all questions openly and candidly, vivâ voce, or in any other manner or form to be prescribed or ordered by Her Majesty's Treasury. If I had at any time been informed that Messrs. Greenwood and Hindmarch had been directed or authorized by Her Majesty's Treasury to summon me to attend their tribunal, I should have done so; and, notwithstanding the strong opinion I entertain of the extreme harshness and injustice of their previous proceedings, coupled with their refusal of all information as to the authority under which they act.

Messrs. Greenwood and Hindmarch state, in the first paragraph of their letter of the 24th instant (copy inclosed), 'that large sums of money are still in my hands belonging 'to the public.'

I distinctly declare that this allegation is not true. I have no public money in my hands. I have paid over to Her Majesty's Exchequer every farthing received by me in the Patent Office on account of fees payable to the Consolidated Fund within the whole 31 years, 1833 to 1864.

I have paid over to every other public fund every farthing received by me on account of such public fund within the same period.

Other questions are raised in the same letter (24th instant).

I am prepared to meet all such questions whenever called upon so to do; and I request to be heard by Her Majesty's Treasury in explanation or defence, if defence be required.

My principal object, however, in troubling you with this letter is to show that in declining to attend Messrs. Greenwood and Hindmarch, I am neither seeking delay, or evading inquiry or explanations.

I object, for the reasons assigned in the copies of letters and answers herewith sent, to appear before any tribunal conducted by Messrs. Greenwood and Hindmarch, unless I am ordered by competent authority so to do.

I am &c., &c.,

G. A. Hamilton, Esq. (Signed) Leonard Edmunds."

743. Duke of *Somerset.*] Then you considered that Messrs. Greenwood and Hindmarch had not the authority of the Treasury for conducting this inquiry.

They had refused to give me a copy of the letter which is now printed containing their authority, the authority of the Commissioners of Patents. I did see it, and took a sort of cursory glance at it in June last. It was produced on the inquiry. I glanced over it, and was about to send it out in the office to be copied; but Mr. Greenwood said that he would send me a copy, but he never did so. I have been endeavouring from that time to this to obtain a copy of that letter of instructions.

744. Earl of *Malmesbury.*] Did you get an answer to the letter you have just read?

No, none whatever.

745. *Chairman to Mr. Greenwood.*] Have you anything to say with respect to the last statements of Mr. Edmunds?

I have a memorandum here to the effect that upon the first meeting this letter was read aloud in the presence of every body, and Mr. Edmunds himself says that he read it. He afterwards made an application for a copy of it, and I said that his application ought more properly to be directed to the Commissioners.

Mr. L. Edmunds.
7th Mar. 1865.

746. (*To Mr. Edmunds.*) Have you any remark to make upon that statement?
Mr. Greenwood and I are at issue upon this point. Mr. Greenwood promised a copy which he never sent, and I cannot imagine why it should have been withheld.

747. Lord *Taunton.*] What was your particular object in wishing to examine the instrument. You were aware that an inquiry had been instituted. You had yourself, I think, acquiesced in the appointment of those gentlemen to conduct that inquiry, though you say that you afterwards thought from their mode of conducting it that they were not fit persons for it. What further light would the production of the instrument have conveyed to you?
I wished to know exactly the terms of this document. I wished to ascertain in which way this inquiry had been directed to be conducted.

748. Had you any doubt about the extent of their powers, or what was the particular point to which you wished to refer?
I wished to know, and I had a right to know, whence the powers emanated. I had no recollection whatever who signed this letter. I glanced over it. I did not look at the signature at the time.

749. You were aware, of course, that a Commission of Inquiry with full powers was issued?
It was no Commission at all; it was a mere letter; and I wished to ascertain whether that letter had been authorized, among other things, by the Treasury; that was one thing that I wished to know.

750. Could you have the least doubt upon that point?
There was no doubt whatever that it was not authorized by the Treasury, because this letter was signed by the four Commissioners of Patents, as it turns out.

751. Lord *Chelmsford,*] I wished to inquire into the circumstances under which this sum of 7,872*l.* was paid to the Treasury, and received by them as the balance due from you. How did the communication upon that subject originate?
Very early in August, about the first week of August, as soon as I had ascertained, through the labours of Mr. Hooper and myself, the exact sum due from me to the Exchequer, I proceeded with Mr. Leman to the Comptroller's Office, and asked for what is called a receivable order or specification to enable me to pay in this money. I was told there, that under a recent order of some few years standing I must go to the Treasury first; that there had been a new arrangement. I proceeded, or rather Mr. Leman proceeded, to the Treasury, and saw, I think, Mr. Collier—he was not quite sure who he was referred to—a clerk in the Treasury.

752. Were you present at that interview?
No, I was not.

753. Then Mr. Leman can state what took place?
Mr. Leman proceeded to the Treasury, and he failed in obtaining a receivable order. That difficulty stopped the proceeding of payment. I took no further steps. I did not make any further application. Nothing passed between me and the Treasury or the Comptroller's Office until some time in the month of September. I then received a letter from the Treasury. I will put in copies of these letters.

754. Earl of *Derby.*] Will you produce the letters themselves?
I will. This is the first letter which I received from the Treasury. With the exception of the verbal communication between Mr. Leman and some gentleman in the Treasury nothing passed between myself and the Treasury until the 22d of September 1864.

755. That was immediately after you had put in your answer to the Report?
Yes.

756. Lord *Chelmsford.*] Your answer was dated the 20th of September?
Yes. This is the letter.

The same is read as follows:

"Sir, Treasury Chambers, 22d September 1864.
I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you that they are advised that you have omitted to pay to the account of Her Majesty's Exchequer

Exchequer monies received by you, and payable under the provisions of the Act 3 & 4 Will. 4. chapter 84. to that account. Their Lordships desire that you will forthwith comply with the provisions of the Act in regard to such monies, and that you will apply to this Board for the necessary 'receivable order' (stating the amount), so as to enable their Lordships to give the requisite instructions to the Comptroller General of the Exchequer in regard to the receipt thereof.

Mr. L. Edmunds. 17th Mar. 1865.

I am, Sir,
Your obedient servant,
G. A. Hamilton."

757. When did you answer that letter?
I answered that letter the following day, the 23d of September.

The letter is handed in, and is as follows:

"In acknowledging your letter of yesterday's date I have the honour to request the Lords Commissioners of Her Majesty's Treasury will be pleased to direct a receivable order to be issued, directing me to pay over the sum of seven thousand eight hundred and seventy-two pounds five shillings and sixpence to Her Majesty's receipt of Exchequer, on account of fees received in the Patent Office under the provisions of the Act, 3 & 4 Will. 4. chapter 84.

I have, &c.
L. Edmunds."

G. A. Hamilton, Esq.

758. When did you receive an answer to that?
My letter was answered on the same day, the 23d.

759. Will you read that letter?

The same is read as follows:

"Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, in reply to your letter of the 23d instant, that the Bank of England has been authorized to receive from you, on account of Her Majesty's Exchequer, the sum of 7,872*l.* 5*s.* 6*d.* on account, for fees received in the Patent Office, under the provisions of the Act 3 & 4 William 4. chapter 84, and that the necessary communication on the subject has been transmitted to the Exchequer.

I am, Sir,
Your obedient servant,
G. A. Hamilton."

In consequence of this letter the following day, upon the opening of Messrs. Coutts', on the 23d of September, I directed them to pay in the money, which they did that day; the whole of this business was transacted between the 22d and 24th of September.

760. Earl of *Derby*.] Did you obtain any receipt for that money?
The Bank of England receipt is at Messrs. Coutts', I have no doubt.

761. Lord *Chelmsford*.] It was merely a receipt for the amount?
Merely the bank receipt, which Messrs. Coutts keep as their voucher.

762. Earl of *Clarendon*.] Have you any explanation to offer to the Committee with respect to this passage in Messrs. Greenwood and Hindmarch's Second Report: "In the "year 1845 (for example) about 624 skins of parchment were used in the preparation "of charters and patents of various kinds in the Patent Office; for each of those skins "Mr. Ruscoe deducted 12*s.* 10*d.* from the fees payable to the Consolidated Fund, and "the sums of money in that way abstracted from the public purse during the year 1845 "amounted to the sum of 408*l.* 8*s.*"?

Messrs. Greenwood and Hindmarch seek to charge me with a sum of 3,100*l.* on this account, and which charge, if carried into effect and according to their views, would operate upon me simply as an enormous fine to that amount, in reward for having gratuitously performed the duties of Clerk of the Patents for all these years. Messrs. Greenwood and Hindmarch insist that the charge of 12*s.* 10*d.*, being the cost of the ornamented or illuminated skin of parchment, and the text hand engrossment of the patent thereon, should have been borne by and have formed a charge upon the salary of the officer, under the head of expenses of the office. This charge of 3,100*l.* runs over eight years, 1846 to 1852.

Mr. L. Edmunds.
7th Mar. 1865.

763. How do you make that eight years; it is only seven years, both included?
They are both inclusive. This charge of 3,100*l.* runs from 1845 to 1852 at the rate of nearly 400*l.* per annum, such being the amount of the whole gross salary, and allowing nothing for other expenses. Messrs. Greenwood and Hindmarch insinuate, if they do not directly charge, that I have put this 3,100*l.* in my own pocket. It was paid to the stationer for his parchment and for his labour in ingrossing the Patents. Taking one year with another, I have received no remuneration whatever out of the office. I have performed the duties and incurred the heavy money responsibilities of the office gratuitously, having paid over the whole of the available salary of 300*l.* per annum to a trust effected at the time of the appointment, such trust having been carried on ever since. If so preposterous an interpetarion of the Act is persisted in, a verdict of a jury must be obtained thereon, and in such impossible result I should say that in justice and reason the charge of 400*l.* per annum or 3,000*l.* in gross should follow the salary, and be made a charge upon the fund of 9,300*l.* created and received under such trust. It may no doubt be made available for this purpose.

764. Earl of *Clarendon.*] By what authority was that 12*s.* 10*d.* paid?
There is a question upon that. I intended that that should be paid by the parties, as I could not by possibility pay it, and upon the reasonable interpretation of the Act we could charge it.

765. For what could you charge?
We could charge it as an expense.

766. For the skins, you mean?
Yes.

767. *Chairman.*] (*To Mr. Greenwood.*) Have you any statement to make upon this point.
What occurred to us was that it only began in 1845. In 1833 the sum of 400*l.* was appropriated for the performance of the duty and the expenses by the Act of the Legislature; that was the payment in full for the duties of the office, and for the expenses. The 400*l.* was always taken by Mr. Edmunds himself, and Mr. Ruscoe, who did the work, got his remuneration out of the discounts. It will depend, of course, upon your Lordships' reading of the evidence; but this is my recollection of the substance of it. It was not until the 1st of January 1845, without any new Act of Parliament passed or any fresh regulation made by the Commissioners, that the public were credited with 5*l.* 15*s.* 6*d.*, instead of 6*l.* 8*s.* 4*d.*, making a difference of 12*s.* 10*d.*, which was taken away from the monies paid over the counter by parties coming for their patents. That only began on the 1st of January 1845.

768. Earl of *Derby*] (*To Mr. Edmunds.*) You have shown that this sum was spread over seven or eight years. If you had been called upon to pay that out of your own pocket it would have absorbed the whole salary that you were nominally receiving, would it not?
Yes.

769. Was there any alteration made in 1845 with regard to the supply of skins which put you in a different position from that which you had been in in the year 1832. In 1832 you were in the nominal receipt of 400*l.* salary, out of which you charged yourself with what you considered the expenses of the office?
Yes.

770. If this supply of skins is to be taken as an expense of the office, was it a new expense?
It was not a new expense, but it was enormously increased by reason of the number of patents having so greatly increased. This commenced in 1845. In the year 1844, as I will show, deducting the 300*l.* which I had paid over, I was out of pocket.

771. We will suppose you then to have been in the full receipt of the 400*l.* for the present.
In 1844 I was actually out of pocket 80*l.*, and it was then that I directed Mr. Ruscoe to make this charge of 10*s.* or 12*s.*, or whatever it was, upon the Patentee, or upon the Patent Agent, which would be quite right and proper; there never could have been a question about that; it would have been quite right that he should pay for his illuminated skins and engrossments, for it had become an intolerable burden. Upon this point Mr. Ruscoe and I are at issue. Mr. Ruscoe did not charge this money upon the Patent Agents or upon the Patentee, but thought proper to charge it upon the Fee Fund.

772. *Chair-*

772. *Chairman.*] Was this direction given in writing?
No. That having been done, I suppose that I must be held answerable for not having taken notice of his proceeding.

773. Lord *Taunton.*] Were you aware of the course taken by Mr. Ruscoe at the time?
No, I was not. I never discovered it. Mr. Hooper, the accountant, first discovered it.

774. *Chairman.*] They were verbal directions, I presume, that you gave?
Yes; verbal directions.

775. Lord *Panmure.*] When you found that the expense of the skins was running away with all the remuneration that you ought to have received for your labours in the office, would it not have been better to have represented the matter at once to the Treasury, and to have got some public document issued for setting it right?
Yes; it might have been so.

776. *Chairman.*] Did you consider it competent to yourself, as Clerk of the Patents, either to do what you say Mr. Ruscoe did without your directions, or to make any charge upon the Patent Agents without consulting a superior authority?
I certainly considered it competent in me to make a charge on the Patentee, because I might have written these patents upon a sheet of paper; it would have been contrary to past custom to do so. It was the custom, as every body knows, for a patent to be ornamented and illuminated and engrossed in a peculiar expensive manner. No doubt I might have done that; but my intention was, and my directions were, that Mr. Ruscoe should charge the 12*s.* upon the Patentee. I have perhaps taken an indiscreet course, but that is all that can be said.

777. Lord *Taunton.*] If I understand it, as long as this remained a trifling charge, you thought it very well to let it fall upon the expenses of the establishment, but when it became so serious as to absorb the entire income you received as an officer, then you thought it necessary to take a different course?
Yes; I thought it necessary to take a different course; I ought to have done that from the first. I have not the least doubt whatever that I ought not to have been charged with this expense in any shape or at any time. The discounts, to a certain extent, met this charge, but not to the whole extent.

778. Did you ever call upon Mr. Ruscoe for any account of those monies?
No; it was taken as the expenditure, as he represented it to me, the cost of those things.

779. Did you take it for granted that he paid into the public account what he received?
No; it was paid to the law stationers. The law stationers supplied those things. There was some, I do not know what arrangement, between Mr. Ruscoe and the law stationers. As I stated before, I have no doubt that it was my duty and business to have seen how this deduction was made, but I did not perceive it, and the book which would show the date of this difference of charge being made, the first charge of this 12*s.* 10*d.* upon the fees, reducing the fees to 5*l.* 15*s.* 6*d.*, is gone, and the absence of that book is rather a remarkable part of the business. If that book were in existence it would no doubt throw considerable light upon the subject; at the same time I state distinctly that I never knew or had ascertained that this sum of 12*s.* 10*d.* had been charged upon the fee till I was informed of it by Mr. Hooper. He let it out, it might be said, when I employed him in going through these accounts. He pointed out this discrepancy, and then it was that I went to Mr. Ruscoe, and asked him what it meant. He said, "You ordered it." I said, "No such thing. I ordered you to make this charge upon the Agents or upon the Patentees." He maintained that I had done so, and there we are at issue. However, I said to him, "This is a very serious matter, and the "probability is that somebody will have to refund this money, and it may probably "fall upon you." That took place as soon as I discovered it.

780. Earl of *Derby.*] Will you, between this and Monday, look over the specific charges contained in the Second Report; and will you then also be prepared to give any further explanation that may be required?
The four items by which the 9,000*l.* are made up are the discount upon stamps, 5,100*l.*; the charges as to the Consolidated Fund, 890*l.*; the question relating to the Suitors' Fund, 560*l.*; and this question of the parchments, 3,100*l.*

Mr. L. Edmunds.

7th Mar. 1865.

781. *Chairman.*] We shall be prepared to examine you upon those matters on Monday, and if you think you have left out anything to-day you may supply it then.

I shall have something to say upon my answer to Mr. Greenwood's observations. I wish to call your Lordships' attention to the charges he has made against me of having appropriated to my own use large sums in two years, which he names, 1834 and 1853. He distinctly charges me with having taken from the public funds, for my own use, sums amounting to pretty nearly 1,000*l.* in each year. I wish to call your Lordships' attention to that charge, and to show how utterly unfounded it is.

782. Earl of *Derby.*] On Monday you will be prepared to give us explanations upon any points on which you think, in justice to you, explanations ought to be given ?

Yes; and also to explain the circumstances with regard to the Suitors' Fund.

The Witness is directed to withdraw.

Ordered, That the Committee be adjourned till Monday next, One o'clock.

Die Lunæ, 20° Martii 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Mr. PEMBERTON GIPPS and Mr. CHARLES HOOPER are called in; and having been sworn, are examined as follows:

Mr. P. Gipps.
Mr. C. Hooper.

20th Mar. 1865.

783. *Chairman.*] (*To Mr. Gipps.*) What office do you hold?
I hold the appointment of Secretary to the Patent Museum at Kensington. I am at present acting as Accountant in the Patent Office.

784. Then although that establishment is connected with the Patent Office you are not under the immediate direction either of Mr. Edmunds or Mr. Woodcroft?
Yes. I am under the immediate direction of Mr. Woodcroft at present. I was under the immediate direction of Mr. Edmunds until his resignation.

785. (*To Mr. Hooper.*) You are a public accountant, are you not?
Yes.

786. I believe your services have been used by Mr. Edmunds for the purpose of assisting him in making out certain accounts in the Patent Office?
A portion of them.

787. (*To both Witnesses.*) In your accounts of the receipts and payments of Mr. Edmunds in the Patent Office, showing the sums which he has received for fees payable to the Exchequer, and the payments which he has made into the Consolidated Fund, there appears to be a discrepancy in the results you have come to amounting to about 890*l.* The Committee wish you to confer together, and to see whether you can either come to an agreement, or put yourselves in a position, when called upon again, to state to the Committee in what your difference consists?
Mr. *Hooper.*] My account ends in 1841.

788. Earl of *Derby.*] The Committee understand that both your calculations were founded upon the same materials, namely, the inspection of the dockets, and a calculation of what fees ought to have been paid?
Mr. *Gipps.*] Mine were founded upon that.
Mr. *Hooper.*] I had but one book to go upon.

789. What was that?
A book called the docket book. I was given to understand, at the time when I undertook the work, that the necessary books to enable me to arrive at the correct amount of the fees were missing, and had been missing for some years from the Patent Office.

790. *Chairman.*] (*To Mr. Gipps.*) Did you rely upon the docket book also?
I took the docket books entirely for my guide in the accounts I have rendered which are now in print.

Mr. P. Gipps. Mr. C. Hooper. 20th Mar. 1865.

791. Lord *Taunton.*] (*To Mr. Hooper.*) Then you have had the same materials as Mr. Gipps?

No. I have had no assistance from any printed documents. I simply had a book containing an inventory of the patents for the various inventions, and so on.

792. *Chairman.*] (*To both Witnesses.*) The docket book is the book which both of you have used?

Mr. *Gipps.*] Yes.

Mr. *Hooper.*] Yes.

793. Earl of *Malmesbury.*] (*To Mr Gipps.*) Are you an accountant professionally, or were you casually employed for the purpose of making out these accounts?

I am not a professional accountant at all; but, as secretary to the Patent Museum, I kept the accounts there for six years; beyond that I am not an accountant.

794. *Chairman.*] (*To both Witnesses.*) You, neither of you, consider it a case of complicated accounts, do you?

Mr. *Hooper.*] No; I should be very sorry to consider the Patent Office accounts complicated. They are not in the nature of commercial accounts at all.

Mr. *Gipps.*] I am sorry to be obliged to differ from Mr. Hooper on that point.

795. I should think it is a question that could be settled in five minutes, is it not?

Mr. *Hooper.*] I am afraid it will take a very much longer time than that. I have my accounts with me.

796. Earl of *Derby.*] Do you think that you will be able to bring these accounts in before the rising of the Committee to-day?

Mr. *Gipps.*] As far as I am concerned I am perfectly ready.

Mr. *Hooper.*] My accounts only go up to a certain date. My accounts extend from Mr. Edmunds' appointment to the 31st of December 1841.

797. Lord *Chelmsford.*] I suppose there are differences between you within the limits of Mr. Hooper's account, are there not?

Mr. *Hooper.*] I believe that Mr. Gipps has taken the accounts up to the present time.

798. How late do your accounts come down?

To the 31st of December 1841.

799. Not later than that?

No.

800. *Chairman.*] (*To Mr. Gipps.*) How late does your account come down?

To the 31st of July of last year.

The Witnesses are directed to withdraw.

Mr. L. Edmunds.

Mr. LEONARD EDMUNDS is called in, and further examined:

801. *Chairman.*] At the last sitting of the Committee you stated that you wished to call the attention of the Committee to the charges that Mr. Greenwood had made against you of having appropriated to your own use large sums in two years which he named, the one year being 1834 and the other 1853?

Yes. Upon this point I wish to refer to my statements at page 36 of the printed papers; they are contained in my remarks on the replies of Mr. Greenwood, dated the 17th of December 1864. I wish to reiterate those statements, and to declare that the whole of these statements with reference to those sums charged are correct. The words are these:—"The Patent Office account with Coutts was opened on the 20th September "1823. Mr. Greenwood states (at page 8 of his observations or replies) that 'I drew "on it in 1834, for my private use, 846*l.* 5*s.* 6*d.*,' and he thus tortures a simple fact into "matter of accusation, asserting that I improperly took and applied this sum from "the monies or fees belonging to the Consolidated Fund. Mr. Greenwood has taken "the Pass Book 'Patent Office Account' in hand, and he founds this accusation "on his own speculations. He here broadly charges that the several sums set out by "him in detail, answering to the sum of 846*l.* 5*s.* 6*d.*, stated by him, were improperly "taken by me from the public monies, viz., the Exchequer monies. This is not the "fact. The sums in question were drawn upon the Patent Office Account, an account "that contained the monies belonging to the Exchequer, the Suitors' Fund, the Sealer,

"the

" the Chaff Wax, and the Private Fee Account of Mr. Thurlow, the Clerk of the " Hanaper, as also sums paid from time to time, and particularly, in the early state of " the account, 30 years back, belonging to myself and others, in no respect belonging to " any public fund. The sums received for, payable, and paid to the Exchequer during " the first 18 months of the account (30th September 1833 to the 1st April 1835), " amounting to 2,582*l.* 10*s.* 4*d.*, were all duly paid over to the Exchequer within that " period, in five different sums, as the pass book itself proves. The sums received " during the same above-named period of 18 months on account of the Suitors' Fund, " amounting to 565*l.* 1*s.* 10*d.*, were also in like manner all duly paid over. The sums " received during the same period on account of the Sealer and Chaff Wax, amounting " to 246*l.* 14*s.*, were also in like manner all duly paid over. And the sums received " during the same period for Mr. Thurlow, the Clerk of the Hanaper, in a private " account, amounting to 2,692*l.* 9*s.* 8*d.*, were also in like manner all duly paid over. " The sums paid into the Patent Office Account to my credit during the above- " named period of 18 months, in forty different payments, for the most part entered " 'By received,' amounted to the sum of 7,431*l.* 16*s.* 7*d.* I have no private " accounts of any description dealing with the year 1834 (30 years back), and for " that reason I am unable to follow any of the sums set out in detail by Mr. Green- " wood. These sums were no doubt transferred from the General Patent Office " Account; but as the monies due to the various public accounts were all duly " paid, as above mentioned, no one can imagine that the sums so transferred in any " way represented public monies. It is impossible that it could be so. The same sum " of money cannot be paid in two directions. Mr. Greenwood has erred. He has " studied the pass book '*on the face of it*,' with the hope of eliciting therefrom matter " for accusation, and not for the purpose of eliciting the truth. He makes no inquiry, " he asks for no explanation, and he arrives at the conclusion by some extraordinary " arithmetical operation, that although I duly paid over to the Exchequer the whole " sums received on account of the Exchequer, as also the whole sums received on the " several accounts of the Suitors' Fund, the Sealer, and the Chaff Wax, that I did at the " same time improperly withdraw from the Exchequer Fund (for he deals with no " other fund or account) no less a sum than 846*l.* 5*s.* 6*d.* 'for my private use.' " Mr. Greenwood states, at page 9 of his observations or replies 'In the following year " 1853 he drew no less than 930*l.* 8*s.* 5*d.*' for 'his private use.' Here, again, Mr. Green- " wood ventures to found an altogether new and unfounded charge upon his own " perverse speculation, reading 'on the face of the pass book.' He makes no inquiry " for explanation of any one of the items or entries dealt with by him, and " upon such cursory and erroneous reading he distinctly charges me with having " drawn, within the year 1853, no less a sum than 930*l.* 8*s.* 5*d.* from public monies " 'for my own private use.' He reads certain items or entries, and upon such entries he " evidently frames his charges. It is evident he points to the following entries, though " he does not set them out in detail. There are none other that he could possibly have " perverted to his use. '1853, June 8, to bearer, 50*l.* 10*s.*' A particular payment " through Ruscoe for a particular purpose, viz., fees due to a clerk of one of the Scotch " law officers, and credited in the official accounts of the year, 'July 19, to your account, " 136*l.* 7*s.* 6*d.*' A quarter's salary clerk of the Commissioners of Patents, less income " tax. All the salaries of the year 1852–3 were paid by me under order of the Trea- " sury, as the accounts show. 'August 19, to your account, 445*l.* 8*s.* 5*d.*' In drawing " a cheque in favour of Ruscoe for several office payments to this amount, I had " accidentally omitted the words 'Patent Office Account' after my signature, conse- " quently that sum was charged by Coutts against my private account, and the mistake " was subsequently rectified by an order transferring that sum from the Patent Office " Account to the private account. On account of discounts on stamps, 'August 20, " Dr., 204*l.* Nov. 8th, To paid your account, 145*l.* 12*s.* 6*d.*' No such sum has been " credited in my private account either within the year 1853 or in any other year. The " words, 'To paid your account' is a mistake of Coutts. I have neither received or taken " any such sum for my own private use.' The face of the pass book shows that this sum " was, an office payment. Mr. Greenwood states, at page 9 of his observations or " replies, "On the whole (upon the face of the pass book) he drew from 1834 to 1857 " 5,869*l.* 12*s.* 11*d.* for his private account,' and he afterwards increases this estimate to " 6,670*l.* 2*s.* 11*d.* Mr. Greenwood has here again studied 'the face of the pass book' " only on one side, and he has arrived at this grossly exaggerated result upon no " inquiry or evidence whatsoever, but simply upon a speculative reading. He has " evidently enumerated, among others, the sums stated and charged by him, as before " mentioned, to have been drawn 'for my private account,' viz., 846*l.* 5*s.* 6*d.* in 1834,

Mr. L. Edmunds. 6th Mar. 1865.

" and 930*l.* 8*s.* 5*d.* in 1853. He has enumerated various large sums standing exactly " and glaringly opposite to each other 'on the face of the pass book,' and telling their " own tale; and he has enumerated all the various sums properly drawn and transferred " from one account to the other to rectify mistakes, as also all sums properly drawn on " account of discounts."

802. Duke of *Somerset.*] I wish to call your attention to the first paragraph to which you have referred. "The Patent Office Account with Coutts' was opened on the " 20th September 1833. Mr. Greenwood states (at page 8 of his observations or replies) " that I drew on it, in 1834, for my private use, 846*l.* 5*s.* 6*d.*, and he thus tortures a " simple fact into matter of accusation, asserting that I improperly took and applied " this sum from the monies or fees belonging to the Consolidated Fund." Do I rightly understand that you did not draw any money from that fund in the year 1834?
As I have stated here, it was impossible that I could.

803. My question is, did you or did you not draw any money in 1834 from the Consolidated Fund?
I passed monies from this Patent Office Account to my private account.

804. That is what I understood Mr. Greenwood to state?
Yes.

805. Then the statement made here by Mr. Greenwood is correct?
It is correct, so far as regards setting out the sums.

806. Did you not take and apply this sum of 846*l.* 5*s.* 6*d.* from monies properly belonging to the Consolidated Fund?
No, certainly not.

807. You took money which you say was in the Patent Office Account?
Yes.

808. And you took it for your own account?
I have explained this matter in the very next paragraph.

809. Lord *Chelmsford.*] The next passage answers the question, does it not? "The " sums in question were drawn upon the Patent Office Account, an account that con- " tained the monies belonging to the Exchequer, the Suitors' Fund, the Sealer, the " Chaff Wax, and the Private Fee Account of Mr. Thurlow, the Clerk of the Hanaper, " as also sums paid from time to time, and particularly in the early stage of the " account, thirty years back, belonging to myself and others, in no respect belonging " to any public fund." Then you go on to set out the sums which were drawn out I suppose?
The sums that were paid. "The sums received for, payable, and paid to the " Exchequer during the first eighteen months of the account (30th September 1833 " to the 1st April 1835), amounting to 2,582*l.* 10*s.* 4*d.*, were all duly paid over to the " Exchequer within that period in five different sums, as the pass book itself proves. " The sums received during the same above-named period of eighteen months on " account of the Suitors' Fund, amounting to 565*l.* 1*s.* 10*d.* were also in like manner " all duly paid over. The sums received during the same period on account of the " Sealer and Chaff Wax, amounting to 246*l.* 14*s.*, were also in like manner all duly " paid over. And the sums received, during the same period, for Mr. Thurlow, the " Clerk of the Hanaper, in a private account, amounting to 2,692*l.* 9*s.* 8*d.*, were also " in like manner all duly paid over. The sums paid into the Patent Office Account " to my credit during the above-named period of eighteen months, in forty different " payments, for the most part entered 'By received,' amounted to the sum of " 7,431*l.* 16*s.* 7*d.* I have no private account of any description, dealing with the year " 1834 (30 years back), and for that reason I am unable to follow any of the sums " set out in detail by Mr. Greenwood. These sums were, no doubt, transferred " from the General Patent Office Account; but as the monies due to the various " public accounts were all duly paid over, as above mentioned, no one can imagine " that the sums so transferred in any way represented public monies. It is " impossible that it could be so. The same sum of money cannot be paid in two " directions."

810. Duke of *Somerset.*] Do you mean to say that the money paid into the Patent Office Account was not public money?
Not all of it.

811. Some

811. Some of it was private money, was it?
Yes; for at the end of the eighteen months after I had paid over all the sums that were then due there was a balance in this account to my credit of 1,600*l.*

812. Then some of the money in the Patent Office Account was your private money?
Yes.

813. *Chairman.*] What did it amount to?
I cannot tell what the amount was, for I have no accounts except the pass book, but it is self evident that it was so, because after paying all those public accounts there was a large balance left in my favour in this Patent Office Account.

814. That balance was left after you had paid all the monies you were bound to pay?
After I had paid all that I was bound to pay at the end of eighteen months.

815. Earl of *Malmesbury.*] What balance was left?
About 1,600*l.*, as I make it out.

816. To your credit?
Yes, to my credit.

817. Earl of *Derby.*] How came that 1,600*l.* to your credit to be standing in the Patent Office Account?
As I have already said, I have no accounts, and therefore I cannot go back so as to follow these sums; but I can say this distinctly that I never transferred any sum from the Patent Office Account to my private account for any purpose of my own, except in a fixed sum.

818. Lord *Chelmsford.*] Are you quite certain that between the 30th of September 1833 and the 1st of April 1835 you paid out of this Patent Account all the sums which were due from that account to the different persons; first of all, to the Exchequer, then to the Suitors' Fund, and the Chaff Wax and the Clerk of the Hanaper, according as it is stated in this reply of yours?
Yes, of that I am quite certain.

819. And that that left an amount to your credit of 1,600*l.*?
Yes. When I say 1,600*l.*, I ought to say 533*l.* I find that there are written memoranda here, and it appears that I have got a sum of 489*l.* above, which is carried further down.

820. Then what was the balance that was due to you out of that account, after payment of all the sums you were bound to pay?
£533.

821. Lord *Panmure.*] Those figures do not at all tally with the copy of the Patent Office pass book that we have had delivered to us?
I believe I am correct in the figures I am giving.

822. Lord *Chelmsford.*] Are we to understand that those amounts were paid over in the sums which are mentioned on pages 36 and 37, or that you paid over different sums amounting in the whole to 2,582*l.*, 565*l.*, and so on?
In sums amounting in the whole to 2,582*l.* and the other amounts.

823. Taking the payment to the Exchequer as an example, do you mean that it was paid in one sum, or in several sums amounting in the whole to 2,582*l.*?
In several sums, amounting in the whole to that sum.

824. And so with the others; the Suitors' Fund, the Chaff Wax, and the Clerk to the Hanaper?
Yes.

825. But all those payments were made between the 30th of September 1833 and the 1st of April 1835. I see in your statement that you say, "The sums received for, "payable and paid to the Exchequer, during the first 18 months of the account (30th "September 1833 to the 1st April 1835)?"
Yes; I see that passage; that would be the case.

826. You say "within that period" in italics?
Yes, within that period.

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827. It is the fact, is it, that those were all paid over within that period of 18 months? Yes; I believe I am quite correct in that.

828. Lord *Panmure.*] I see that Mr. Greenwood states that in 1834 you drew for your private use from the Patent Office Account the sum of 846*l.* 5*s.* 6*d.*?
Yes.

829. In a return which has been placed in our hands, and which was taken from the pass book, I find an entry in 1834 on the 8th of July, "To your account 148*l.* 9*s.*"?
Yes.

830. Then on the 29th of October, "To your private account, 229*l.* 11*s.*" On the 18th of February 1835, "To your general account, 144*l.* 8*s.*" "To ditto (14th), 200*l.*" Those amounts in all make a sum of 722*l.* 8*s.*, which seems to have been transferred from the Patent Office Account to your private account. Is the pass book correct in that respect?
Yes; I conceive that it is; no doubt it is.

831. Then it would appear from that that in the year 1834 a sum of 722*l.* 8*s.* was transferred from the public monies in the Patent Office Account to your own private account with Messrs. Coutts?
Yes; Mr. Greenwood charges me with having drawn 846*l.* 5*s.* 6*d.*

832. I speak now of the year 1834?
Yes.

833. Then, again, with regard to the other year you mentioned, 1853, referring to the same paper in our hands, I find, on July the 19th, "To your account, 136*l.* 7*s.* 6*d.*" On August the 18th, "To your account, 444*l.* 8*s.* 5*d.*" On the 20th, "To ditto, 204*l.*" On the 11th of November, "To paid your account, 145*l.* 12*s.* 6*d.*" Then again, in June 1854, "To your account, 246*l.* 14*s.*" On the 8th of November 1854, "To your account, 375*l.*" Making in all a sum transferred during the years 1853 and 1854 of 1,552*l.* 2*s.* 5*d.* Is the pass book correct in that respect?
I have not dealt with the year 1854. Mr. Greenwood charges me thus: "In the following year, 1853, he drew no less than 938*l.* 8*s.* 5*d.* for his private use." He has made no charge as to the drawing in 1854.

834. It appears that in the year 1853 you drew four sums; one of 136*l.* 7*s.* 6*d.*, one of 444*l.* 8*s.* 5*d.*, another of 204*l.*, and another 145*l.* 12*s.* 6*d.* I think those sums will make about the amount, namely, 930*l.* 8*s.* 5*d.* to which you refer?
Yes. Mr. Greenwood merely states that I drew no less than 930*l.* 8*s.* 5*d.* in that particular year, 1853, but he does not set out the sums.

835. I am reading the sums from the bankers' pass book. What I wish to know is, whether the pass book is correct in that respect?
It is correct so far. It is evident that Mr. Greenwood points to the following entries though he does not set them out in detail. He says that in the year 1853 I drew no less than 930*l.* 8*s.* 5*d.* for my private use; it is confined to 1853.

836. My question is, whether the pass book is correct in representing you to have drawn those various sums?
Yes; I have set those sums out myself.

837. Then Mr. Greenwood is not so far wrong in stating the sums that you drew in 1853?
He is correct in stating that I drew those sums, but he is wrong in stating that I drew them for my private use.

838. Earl of *Derby.*] Do those sums, to which your attention has been drawn, appear in the pass book as having been paid to your private account?
They do.

839. Then 930*l.* odd was paid in that year to your private account?
Yes.

840. How do you account for that fact?
I say that it is evident that Mr. Greenwood points to the following entries, though he does not set them out in detail.

841. He points to the items as they appear in the pass book?
No; he does not point to them. I do.

842. *Chair-*

842. *Chairman.*] You have heard the question put by Lord Panmure, quoting from the pass book the amounts which appear to have been drawn to your private account, and adding up those separate sums you arrive at the same conclusion that Mr. Greenwood did as to the gross sum which you take from the Patent Office Account in that year?

Yes, I do; and then I proceed to account for that sum in detail.

843. As I understand, you proceed to deny that Mr. Greenwood is accurate in stating that all those monies belonged to the Consolidated Fund?

Yes.

844. Earl of *Derby.*] In accounting for those several payments you begin with the sum of 136*l.*, do you not?

No; I take, first, the sum of 50*l.* 10*s.*

845. That does not appear in the pass book, I think?

It appear in the pass book, under the date of June the 8th, 1853, "To bearer, 50*l.* 10*s.*"

846. Although that payment appears to have been made to your private account, you state it to have been made to Mr. Ruscoe for fees due to a "Clerk of one of the Scotch "law officers, and credited in the official accounts of the year"?

That was so. In the pass book it is made payable to bearer.

847. Your explanation of it is, that it was on account of the payment I have mentioned?

Yes.

848. The next item is, "July 19th, to your account, 136*l.* 7*s.* 6*d.*;" what is your account of that?

I will read my explanation of it from my answers:—"A quarter's salary, Clerk of the "Patents, less income tax. All the salaries of the years 1852–53 were paid by me, "under order of the Treasury, as the accounts show."

849. That payment, therefore, was properly made to your account as a portion of your salary?

Yes; it was properly made.

850. Then the next is, "August 19th, to your account, 445*l.* 8*s.* 5*d.*"?

"In drawing a cheque in favour of Ruscoe" (that is the clerk) "for several office "payments to this amount, I had accidentally omitted the words 'Patent Office "Account' after my signature, consequently that sum was charged by Coutts' against "my private account, and the mistake was subsequently rectified by an order transferring "that sum from the Patent Office Account to the private account."

851. At what time was that sum wrongly paid into the Patent Office Account? According to this statement, it is a repayment of a sum which had been improperly paid into the Patent Office Account?

No. Of a sum that had been improperly drawn upon my private account.

852. And paid to the credit of the Patent Office?

Yes; in the first instance by mistake. This sum of money which I paid to Mr. Ruscoe for office disbursements had, by my having accidentally omitted the words "Patent Office Account" under my signature to the cheque, been charged by Messrs. Coutts against my private account. Discovering this error some time afterwards, I passed the money back to my private account at this date, August the 19th.

853. When was it that that sum was improperly drawn from your private account?

I cannot tell, because I have not got the private pass book, but probably it was some short time previous; it may have been months previous to this repayment.

854. Duke of *Somerset.*] When was that sum of 445*l.* re-transferred?

On the 19th of August.

855. Earl of *Derby.*] The next item is 204*l.* on the 20th of August. What is the explanation of that?

No doubt the 204*l.* were transferred to my private account on account of discounts on stamps, as far as I can trace.

856. You state in your answer that "no such sum has been credited in my private "account?"

That relates to the 145*l.* 12*s.* 6*d.*

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857. The 204*l.* you say must have been paid for discounts on stamps?
Yes, I am quite sure of that, because it is an odd sum, 204*l.* I have no access to the accounts, and I cannot verify it.

858. Those are all odd sums?
Yes, they are all odd sums.

859. And from their all being odd sums you desire it to be inferred that they were all paid for official charges?
For official charges, in various ways.

860. Though nominally transferred to your private account, they were transferred for the satisfaction of sums that were to be paid by you out of that private account?
Yes. I have stated before, and I state it again, that in making borrowings (if I may use the term) from this separate account, the Patent Office Account, for my own purposes, I never took anything except in a round sum, such as 200*l.* and 400*l.* I have a paper to read which will show that hereafter.

861. *Chairman.*] Had you any reason for paying these office accounts by money going through your private account, instead of drawing a cheque upon the Patent Office Account at once?
No; it was occasioned by the accidental omission of the words "Patent Office Account."

862. But it appears that these sums were all drawn out from the Patent Office Account, and placed to the credit of your private account. Your explanation is, that those different sums represent monies which you were bound to pay for official charges?
Yes.

863. Was there any reason why you did not pay those sums by a cheque direct upon the Patent Office Account, instead of first passing them through your private account?
This transfer of 445*l.* 8*s.* 5*d.* was occasioned by mistake; an accident.

864. Earl of *Derby.*] What is the meaning of all these items being entered "To your account?"
I am dealing with the year 1853.

865. So am I. Take the sum of 136*l.* 7*s.* 6*d.*; why was that sum, if it was paid for public service, transferred to your private account?
That is the quarter's salary for myself.

866. *Chairman.*] Take the sum of 445*l.* 8*s.* 5*d.*, which appears to have been owed to Mr. Ruscoe?
I have endeavoured to explain that. "In drawing a cheque in favour of Ruscoe for "several office payments to this amount I had accidentally omitted the words "Patent "Office Account" after my signature, consequently that sum was charged by Coutts' "against my private account, and the mistake was subsequently rectified by an order "transferring that sum from the Patent Office Account to the private account." It was paying that amount back. The 445*l.* 8*s.* 6*d.* is credited by Mr. Ruscoe in the accounts of that year.

867. Earl of *Derby.*] I understood you to say that you were unable to state when you made that mistake, and when that sum was charged against you?
Yes. I have not got my private pass book.

868. *Chairman.*] Have you not examined your private pass book since this inquiry has taken place, and compared it with the Patent Office Account pass book?
At the time I wrote this explanation I looked at my private pass book, and found the sum there charged.

869. Lord *Taunton.*] Have you still got that private pass book?
Yes, I have.

870. Lord *Panmure.*] Will the same explanation extend to the sum of 204*l.* transferred on August 20th? Was there a mistake there in omitting the word "Patent Office "Account" after your name at the end of the cheque?
No. Your Lordships will perceive, in looking on through this account, that there are many sums drawn for discounts.

871. If there was no mistake, why, in giving this order for 204*l.*, was not it given upon the Patent Office Account at once, instead of having the money transferred to your own private account in the first instance?
Because it is drawn from the Patent Office Account.

872. Earl *Graham.*] Did you not state a little while ago that the sum of 204*l.* was paid to you for the discounts you were to receive?
Yes; and the discounts appeared on the other side of the account in the same way; the gross sum.

873. Were the monies received for these discounts paid into the Patent Office Account previously?
Yes; they were paid in by the clerk through whose hands they passed.

874. *Chairman.*] All the monies received at the office, which appear in the Patent Office Account, were paid into that account by Mr. Ruscoe, and not by you, were they not?
Yes, by Mr. Ruscoe; not by me; they were received by him, and paid by him.

875. Viscount *Hutchinson.*] Will you refer to the credit side of your pass book? You observe in going down the credit side that some of the entries are "By Mr. Ruscoe," some are simply "By received," others "By the Patent Office;" is there any real distinction between them?
There is one entry, "By your private account, 210*l.*"

876. That explains itself. I refer to the others. Are we to take it that those are all lodgments made by Mr. Ruscoe?
They were certainly not all made by Mr. Ruscoe, but, as I have stated, I have no private accounts whatever going back 30 or 31 years. I have nothing whatever except this pass book.

877. *Chairman.*] Have you any objection to produce your private pass book?
None whatever.

878. Lord *Chelmsford.*] I will call your attention again to the period between September 1833 and April 1835. Will you look at the bottom, page 36, of your statement, where you give an account of the way in which this sum of 2,582*l.* 10*s.* 4*d.* was paid?
Yes.

879. In turning to the account I find that those different sums mentioned at the bottom of that page were regularly paid in the way you have described under the different duties, except one sum. There is a difference. On 23d May 1835, instead of 927*l.* 14*s.* 4*d.*, it is 929*l.* 14*s.* 4*d.* in the pass book. I suppose that is a mistake?
It may be a misprint.

880. So that it would be 2,584*l.* instead of 2,582*l.*?
Yes.

881. That sum being accounted for by the five different payments which are mentioned in the pass book?
Yes.

882. Earl of *Derby.*] Those sums correspond exactly with the table put in by Mr. Greenwood?
Yes. I understood Mr. Greenwood to state or to insinuate that I drew all those large sums of money upon the public monies. I show that the public monies were all paid over regularly through the whole of this period, and that at the end of that period there was a balance in my favour, and therefore I deduce from that this inference, I think it is very conclusive that none of those sums of money were drawn upon the public monies because the public accounts were all paid.

883. Earl *Graham.*] Then you must have paid money of your own into that Patent Office Account?
No doubt; but how those sums got there I cannot say.

884. If you look at April 1854 in the pass book you will see that there is a payment made in the Office Account by Mr. Ruscoe of 240*l.*, and then there is this entry: "July the 3d, By received," (without saying from whom) "3,000*l.*?"
Yes; in the pass book of 1854. That sum was received from the Treasury.

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885. The sum of 3,000*l.*?
Yes.

886. Then the next entry is, "By ditto, 375*l.*"; that again was from the Treasury, apparently?
That same sum of 375*l.* was drawn out. The two entries stand opposite to each other. That 375*l.* was received from Mr. Ruscoe on account of discounts. It was a large accumulation. I had let it run on for more than a year and a half. Mr. Ruscoe pays the 375*l.* which was received by him on account of discounts on stamps into this Patent Office Account, and I then draw a corresponding sum of 375*l.* from the Patent Office Account to transfer it to my private account.

887. The 3,000*l.* was paid by the Treasury, you say?
Yes; the 3,000*l.* was paid by the Treasury. That sum of 3,000*l.* had nothing to do with the Consolidated Fund whatever.

888. How came the Treasury to be paying 3,000*l.* into your account?
I had disbursed it under the new Act.

889. *Chairman.*] I do not quite understand your argument. You say that it would have been impossible that you should have drawn this sum from public monies into your private account, because you had paid all the public monies due from you?
I said it was impossible that I should have improperly drawn it.

890. Lord *Panmure.*] Had Mr. Greenwood anything else to guide him when he made these charges than the face of the pass book?
I believe nothing whatever.

891. He had no explanation of these sums such as you have given in the documents before the Committee, and such as that which you are now giving verbally to the Committee?
No; he never asked for any.

892. Therefore, when he draws his conclusions from the face of the pass book, why should you say that he founds "an altogether new and unfounded charge upon his own perverse" speculation?
I do say so.

893. How could he do otherwise than bring those charges when he read on the face of the pass book the sums passed from the one side of the account to the other, which were before him, without explanation?
I consider it a most perverse charge to make, for he never asked for any explanation of any one item.

894. Lord *Taunton.*] Did you offer the explanations to Mr. Greenwood which you have now given to the Committee?
I never could offer any explanations, because Mr. Greenwood never made any remark to me upon the subject. He takes the pass book before him, and he works out this charge in private somewhere or other; at any rate not in my presence.

895. Earl of *Derby.*] Do you mean to say that after this pass book had been handed in, you were never called upon to give any explanation of the items which led to the charge being made?
Certainly not; not one of those specific items was ever called to my attention at all.

896. I think you applied, in the course of the inquiry, for 10 days or a fortnight to make up these accounts, did you not?
Yes, I did.

897. Was that time give to you?
No.

898. Lord *Stanley of Alderley.*] Was there no examination upon the subject of this pass book which will appear in the minutes of the inquiry that have been laid before us?
There was what Mr. Greenwood may call an examination. Mr. Greenwood took the pass book, and he opened it at random, and said, "How do you account for that entry?" He did not go seriatim through it at all. He opened the pass book, and he pointed out particular items of transfers to my private account. I said, I cannot answer that. "I cannot pretend to answer; nobody could answer. You go 25 years back, and put "your

" your finger upon a particular item, and ask me to account for it. I cannot do it." Then I proceeded to say, "I am now employing a professional accountant, and I " propose to go through the whole of these accounts from the beginning to the end, and " I shall prepare and lay before you in 10 days from this time what may be called " a balance sheet, showing the whole sums of money that may be said to be due from " me." No time was given, because they interrupted their sittings, and they never held another sitting at all till November.

899. Can you state on what day that request of yours was made?
It was certainly reiterated on the last day, I believe it was made on the day preceding the last day of the sittings.

900. Having received that application from you for the 10 days, are the Committee to understand that, upon the adjournment of the Committee of Inquiry, they proceeded forthwith to send in their Preliminary Report, without you having had an opportunity of making the answer which you desired to make?
Certainly; they held no further sitting, and I never saw them again.

901. *Chairman.*] That is to say, you declined to attend their meetings?
That was in November. I am speaking of the sittings in July.

902. Earl of *Derby.*] Upon that report which was so sent in you were summoned to appear before the Lord Chancellor and the two Vice Chancellors, and to defend yourself against these charges?
Yes; that was so in July.

903. You declined under those circumstances to appear, and tendered your resignation?
I did.

904. Lord *Stanley of Alderley.*] If I understood you rightly, you stated on the former occasion that you declined to appear because the Lord Chancellor had refused to allow you to appear by Counsel, did you not?
Yes; that was the moving reason.

905. Was not that the reason why you refused to attend?
Yes, it was.

906. *Chairman.*] Can you state the date when on being questioned you first asked the gentlemen who were conducting the inquiry to be allowed to give in an account?
I cannot say exactly. I remember making that application; it was a voluntary request. I stated to those gentlemen, " Give me time, and I will employ and am " employing a professional accountant. I must have time to go through 30 years of " the most voluminous accounts."

907. Lord *Chelmsford.*] In the evidence taken on the 2d of July 1864, at page 104 of the minutes, you will find this, at question No. 3107.:—" Mr. *Ruscoe.* You do not " want all these inquiries answered by Monday?—Mr. *Hindmarch.* Yes; you must do " what you can. Mr. *Edmunds.* To go through accounts of this description must take " some days. I have been here all to-day, and shall be here all Monday, and I must " get an accountant to assist me. Mr. *Hindmarch.* You can go through the book by " Monday?—Mr. *Ruscoe.* Oh yes; there is nothing arising on that account. You, " Mr. Edmunds, have a memorandum in your pass book as to the amounts to be " inquired into?—Mr. *Edmunds.* Yes. Mr. *Ruscoe.* It is not to be expected that it " can be done by 12 o'clock on Monday morning?—Mr. *Edmunds.* No; it is impossible. " It is necessary that I should go through the whole of these accounts from end to end " for years and years back, and I must have the assistance of an accountant. Mr. *Hind-* " *march.* But you told us that the business of this office was conducted in such a way " that we were led to believe that we could with facility go through all these accounts, and " I certainly thought that there would be no difficulty whatever in understanding them?— " Mr. *Edmunds.* Yes; but I must have the cheques. Mr. *Greenwood.* We have had " it, both from Mr. Ruscoe and you, that that was a public book. There is an immense " quantity of items drawn out of that to your private account which want explanation. " No length of time can relieve you from that?—Mr. *Ruscoe.* It arises in consequence " of Mr. Edmunds' private pass book. The accounts here are as correct as possible. " Mr. *Hindmarch.* We are speaking generally; we have a public pass book relating to " the business of this office, and surely it is a thing which ought to speak for itself?— " Mr. *Ruscoe.* It is a thing which I never saw. Mr. *Hindmarch.* I do not say you " have.

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" have?—Mr. *Ruscoe.* I never saw it until I saw it in Mr. Greenwood's hands. " Mr. *Greenwood.* What are we to have on Monday, because it is no use coming here " to hear you say, 'we have done nothing'?—Mr. *Edmunds.* I cannot undertake to do " the accounts by that time. Mr. *Hindmarch.* You can do a good deal; we will get " the information as far as we can. Mr. *Greenwood.* We are obliged to call for expla- " nations. You see, Mr. Edmunds, if you were able to go to your private accounts you " would be able, I think, to understand what these matters are. Mr. *Hindmarch.* I " cannot help thinking if you were to look through your own private banking account " you would be able to give us a little more information. Adjourned to Monday at " 12 o'clock."?

Yes.

908. Earl of *Derby.*] That was the 9th day of the sitting?

Yes.

909. There were two more days upon which they sat?

Yes; I have no recollection of the evidence, I have never had that book of the minutes in my hands.

910. Then after receiving this application the inquiry was only carried on upon the Monday and Tuesday following?

Yes.

911. After that time the Report was sent in?

After that they closed their sittings.

912. Lord *Chelmsford.*] On the following day when they met, Monday the 4th of July, Mr. Greenwood, in Question 3213, says: " We want an explanation of the sums " apparently taken out of the public monies to your private account. It is a very grave " matter, and every one of them requires explanation."

Yes.

913. Then in Question 3222: " Have you been able to ascertain what any of these " sums which have been drawn out on your private account are for? Mr. *Edmunds.* " No, I have not. Mr. *Greenwood.* Well; let us see that? Mr. *Edmunds.* I must have " time to find my private bankers' account, and to find the cheques, which will throw great " light on the subject. Mr. *Hindmarch.* It seems to me that the cheque would only " show an order to pay yourself or bearer, and to pay that to the credit of your " account? Mr. *Edmunds.* I must go through the whole of these accounts from the " beginning with Mr. Ruscoe. Mr. *Hindmarch.* I don't know how Mr. Ruscoe could " know anything at all about it. Therefore I don't know how he could aid you? " Mr. *Edmunds.* The account which I propose to supply would show how it has been " paid, and where. Mr. *Greenwood.* You see, taking this as a specimen, I find that " between the 19th of July 1853 and the 7th of August 1857, being four years, you " have drawn out of this public account to your private account 2,411*l.* 2*s.* 5*d.*, that is " to say, 602*l.* per annum on the average. Now, if you got 600*l.* a year out of the " public funds, you certainly are bound to account for it.—Mr. *Edmunds.* Yes; and I " shall do so, but I want to see where are the items, and when do they begin."

Yes; and I complained of the course which they took.

914. In page 109, in Question 3235, Mr. Greenwood says, " The same materials that " satisfy you will satisfy us. If you are satisfied, we shall be satisfied, I am sure. " Mr. *Edmunds.* It requires further investigation to ascertain what that 444*l.* 8*s.* 5*d.* " meets. It meets some particular item, and I cannot, without an investigation of the " accounts and of the cheques, tell what it is. I cannot get the cheques from the " bankers."

That is the very sum I am speaking of. All that tallies with what I stated. I speak from recollection. I have never seen that printed evidence at all.

915. In page 110 you say, in answer to Mr. Greenwood's Question, 3267, " I must " have time. I cannot explain it without?"

Yes.

916. Then in page 111, at Question 3313, Mr. Hindmarch says, " When you are speak- " ing of going a long way back, we find, in 1853, that you say you might have been " entitled to take out of this account these sums; therefore we are driven backwards " in order to see what are the prior entries?—Mr. *Edmunds.* I have said nothing but " that I cannot possibly explain this item until I get the materials. Mr. *Hindmarch.*

" We

" We are willing to have any sort of account you can give us?—Mr. *Edmunds.* I must " have time to enable me to go through the whole of these accounts. Mr. *Hindmarch.* " But we are bound to form our own opinion of the way in which the accounts have " been kept, and look at it in such a way as to induce you to give us the accounts we " want?—Mr. *Edmunds.* If you will give me time I will do it. Mr. *Hindmarch.* " Time is precious, and we must pursue the investigation of what we have before us. " Mr. *Greenwood.* We have been five weeks engaged upon this inquiry. Mr. *Hind-* " *march.* And we have not come to a conclusion yet. I must say, if we had had the " assistance that we had every claim to receive it would not have taken five weeks?— " Mr. *Edmunds,* You must go through all the payments. You have only taken one " side of the account?"

Yes.

917. Earl of *Clarendon.*] But Mr. Greenwood says, at page 110, Question 3,263, " But " just observe, Mr. Edmunds, from a very early period of these sittings our attention " was called most gravely to this question of discount, and we have asked for an account " of the discounts. There has been abundance of time to give it to us, and to enable " you to put it into the most accurate or detailed shape that could be requisite, but now " we are told that this or that sum may or may not be discount."

That refers to quite another branch of the subject.

918. It was in reply to your request for more time?

It was not unreasonable to ask for ten days to make out voluminous accounts extending over 31 years.

919. Earl of *Derby.*] This was also during the sitting of Parliament, when you had your parliamentary duties to perform besides?

Yes; besides attending those gentlemen on the inquiry in the morning.

920. How many hours a day did they sit on the inquiry?

They began at 11, and sat till 2 or 3 o'clock generally. On several occasions I was obliged to ask them to stop, to enable me to get down here; and everyone must understand that in deducing and getting out accounts, if you have to go back 30 years, the difficulty is increased enormously.

921. Lord *Chelmsford.*] Upon the last day of the sitting in July, at page 124, that is before the Preliminary Report is made, Mr. Hindmarch says, " As we shall not be here " to-morrow, I hope you will be able to get on with your report," and your reply, which " was the last thing that was said, was, " In the first place I cannot find the cheques; I " find some here and there, but I cannot find the whole detailed accounts. I cannot find " the whole of my private books. There is one at least that I shall have to require " Coutts' to write up, and there are some other things passed backwards and forwards. " Adjourned *sine die.*" And then the Preliminary Report was made?

Yes.

922. Earl *Graham.*] Do you know when that pass book was first delivered in to Messrs. Greenwood and Hindmarch?

It was delivered to them within three or four days of their first asking for it.

923. I meant to ask whether it was not the end of the inquiry, or at the beginning of the inquiry?

It was at the beginning of the inquiry dealing with money affairs. I should explain, with reference to this point, that I was obliged to get Messrs. Coutts' to write up this book. I found the book was complete up to this point (*pointing to a page of the pass book*). The subsequent book had been mislaid or lost. I could not find it. I found the book ending about the year 1836 or 1837; this particular book; and I took it to Messrs. Coutts', and got them to write it up for me; that took them three or four days, it was a very long business to go back in their books, and they made an objection to doing it at first. I never refused to give up the pass book or delayed it. On the contrary, I was anxious all through the inquiry to give every possible information, as I have done since. I wished to conceal nothing in any shape whatever; I have been treated in the most outrageous way by these two gentlemen. I declare that they came into that inquiry with the evident determination to cover Mr. Woodcroft, and to avoid any inquiry into the charges made against him, and to devote their whole time to the counter-charges made against me.

924. Lord *Panmure.*] Did I rightly understand you to say that they came to the inquiry with the determination to cover Mr. Woodcroft, and to devote their whole time to the counter-charges against you?

I am convinced that they did.

Mr. L. Edmunds.

th Mar. 1865.

925. Upon what ground do you make such a charge?

Because all through the inquiry the moment anything was said dealing with Mr. Woodcroft's money transactions with Mr. Foster and Mr. Corydon, and Mr. Waylen and his own brother, the thing was thrown aside. It was pushed aside at once. And Mr. Greenwood himself has stated that they never did enter into that inquiry.

926. Have not Messrs. Greenwood and Hindmarch distinctly stated that they mean to conduct the inquiry into Mr. Woodcroft's conduct hereafter?

Not in anything printed. They may say so now.

927. Did not Mr. Greenwood make that statement in his evidence on Friday?

Mr. Greenwood stated that he did not recollect that Mr. Woodcroft had any handling of the monies, in answer to a question put by one of your Lordships.

928. Lord *Taunton.*] Do you then mean to say that Messrs. Greenwood and Hindmarch evinced any prejudice against you until they came to the question of money. Did they do so during the first three days?

Certainly. The whole course of their proceedings was of the most violent description, and one-sided.

929. You mean that they showed the same animus against you in the first three days, before these money questions came up, which you say they evinced afterwards?

Yes; I do distinctly say so. The order of the Commissioners of Patents, directing the inquiry, directs Messrs. Greenwood and Hindmarch to inquire into the charges made by me against Mr. Bennet Woodcroft. I asked Mr. Greenwood to produce to your Lordships all the papers referred to him and to Mr. Hindmarch by the Lord Chancellor or the Commissioners of Patents, relating to the charges against Mr. Woodcroft, including the secret letters written by Mr. Woodcroft to the Master of the Rolls in November 1862, and November 1863, and all other papers referred to them, by the Commissioners of Patents upon this inquiry. Mr. Greenwood stated to the Committee on Thursday last that he and Mr. Hindmarch had omitted the inquiries into the conduct of Mr. Woodcroft, because they had not time. Now they have been sitting on and off for 10 months, and I will undertake to say the whole of this business relating to Mr. Woodcroft, the taking the fees from these gentlemen, and putting them into his own pocket, certainly could not have taken a day or anything like it, because the evidence was admissions in a great measure. In the meantime, these two gentlemen made Mr. Woodcroft, together with Mr. Atkinson, the Librarian, who was also implicated with Mr. Woodcroft to a certain extent, that is to say, so far as regards having made false bills and given false certificates, not in having taken money, the sole witnesses against me as to my conduct in the business of the office. And upon the statements made by those two gentlemen, and no others, all these violent accusations as to my conduct, in the office in the first part of the original Preliminary Report was founded. There are 24 or 25 clerks in the office, and not one single clerk, with the exception of those two gentlemen, was examined to substantiate the accusations made in the Preliminary Report, upon which accusations they proposed to the Lord Chancellor that I should be removed from the office, irrespective of any money question whatever.

930. Duke of *Somerset.*] I think you stated just now that you believed Mr. Woodcroft had put money into his own pocket.

[The Witness is directed to withdraw; and, upon being recalled, he is informed by the Chairman that the Committee have decided that they will not permit evidence on questions not relevant to their inquiry, and affecting persons whose conduct is to be the subject of future investigation.]

931. Earl of *Clarendon.*] Have you finished the statement which you were reading to the Committee?

I have not. What I meant to state was, that I complained of the conduct of Messrs. Greenwood and Hindmarch in this; that they have in the outset of their Preliminary Report made a long string of charges against me, and they end the long string of charges by recommending that I should be removed from the office; turned out of the office.

932. Are you alluding to their remarks upon your conduct in the management of the affairs of the office?

Yes, I am.

933. And

933. And you say that they conclude by recommending upon that account that you should be dismissed?

On account of the long string of accusations that they make in the outset of their Preliminary Report, they recommend I should be dismissed from the office.

934. Let me draw your attention to the passage to which you allude, which is not exactly accordant with what you stated: "Upon these grounds alone we were prepared "to recommend his removal from his offices, when our attention was drawn to more "serious matters relating to the conduct of Mr. Edmunds." Therefore it was not upon that ground alone that they recommended your removal. They said merely that they should have been prepared to recommend it, but there were more serious accusations brought against you?

Yes; and what I say is that these accusations upon which these gentlemen declare that they were prepared to recommend my dismissal from the office were not substantiated at all. No witness whatever was examined to substantiate those accusations except Mr. Woodcroft, and Mr. Woodcroft was undoubtedly upon his trial before those gentlemen, just as much as I was. The order of the Commissioners of Patents directs Messrs. Greenwood and Hindmarch to inquire into the charges made by me against Mr. Woodcroft distinctly.

935. Lord *Panmure.*] When did you institute your charges against Mr. Woodcroft?

By reports to the Lord Chancellor.

936. When, in point of time; at what did you frame your charges against Mr. Woodcroft?

In the spring of last year, 1864.

937. Was it after you knew that Mr. Woodcroft had brought charges against you?

They came out incidentally and necessarily in my answers. I made them immediately upon the discovery of these transactions.

938. Earl of *Clarendon.*] You say that Messrs. Greenwood and Hindmarch relied entirely and solely upon the evidence of Mr. Woodcroft; but it appears that in these two or three first days they took the evidence of Mr. Duffield, Mr. Simms, and Mr. Powell, clerks in the office, upon the management of the affairs of the office?

I recollect Mr. Duffield being examined. He was brought forward by Mr. Woodcroft to substantiate the charge of violence and intemperance in my conduct towards the clerks; in which he at once contradicted Mr. Woodcroft.

939. And Mr. Ruscoe, your own clerk, was examined?

He proved nothing; the other clerks named proved nothing. The Report was entirely founded upon the evidence of Mr. Woodcroft.

940. *Chairman.*] Upon the last occasion, I believe you stated that you wished to give some explanation to the Committee upon the subject of the Suitors' Fund?

Yes. The accounts relating to the Suitors' Fund set out in this Second Report, on which Messrs. Greenwood and Hindmarch charge a balance against me of 560*l.* 7*s.* 10*d.*, have been taken by the same non-professional and therefore unskilful persons employed by them on the Consolidated Fund Account, Messrs. Gipps and Woodcroft. This account, whether true or false, is of no value whatever as against me. I have paid to the Suitors' Fund all sums received by me on that account, through the whole thirty-one years, on accounts delivered to me by Mr. Ruscoe, the clerk, such accounts being taken from the fee books, the only trustworthy authority, so far as I was concerned. I have paid over all monies received by me on this account, and I utterly deny the charge of 567*l.* 10*s.* and every portion of it. The greater portion of the balance so charged consists of two items amounting together to 467*l.* 16*s.* 6*d.* Messrs. Greenwood and Hindmarch have thought proper to charge me with having within the years 1834 and 1836 held back (those are their words) and appropriated to my own use two large sums of money alleged by them to have been received by me on account of the Suitors' Fund of the Court of Chancery, together 467*l.* 16*s.* 6*d.*, as above stated. This is a totally false statement, for the sums so charged as wilfully held back by me, and appropriated to my own use, were paid to the Bank of England, through the office of the Accountant General, in the years named and in due course, and the Accountant General has afforded to me distinct proof of such payments. Messrs. Coutts' pass book for the Patent Office account lay open before Messrs. Greenwood and Hindmarch. They themselves extracted from it all the payments appearing therein to have been made

Mr. Edmunds. 9th Mar. 1865.

by me to the Suitors' Fund from 1834 to 1864 (thirty years), and the two sums charged by them to have been wilfully kept back by me appear therein, and are distinctly set out, "To Accountant General," as will be seen by looking at the pass book, "August 12th, 1834, 171*l.* 3*s.*; February 11th, 1836, 296*l.* 13*s.* 6*d.*

941. Earl of *Derby.*] Are not those the sums which according to the Supplemental Report of Messrs. Greenwood and Hindmarch, which appears in this paper, they admit to have been paid, and overlooked by the Accountant General in his statements?

They do not admit it, after having published this Report, and after having made this grievous charge.

942. Those sums are included in the charge made in their Second Report, but are subsequently withdrawn in their Supplemental Report, which appears at page 74?

Yes; withdrawn after I had distinctly shown how untrue they were. Before making such an accusation against me, it was the obvious duty of Messrs. Greenwood and Hindmarch to investigate the matter to the bottom. They had the same access to the Accountant General's Office and the Bank of England that I had, but they apparently avoided these conclusive authorities; at least they made no proper and effective search. They have been too precipitate; a little too anxious to condemn and to publish the disgraceful charge. After deducting the 467*l.* 16*s.* 6*d.*, there remains a balance of 102*l.* 11*s.* 4*d.* charged against me on this account. Assuming the account deduced by the non-professional persons employed by Messrs. Greenwood and Hindmarch to be correct, the charge is against Mr. Ruscoe, the clerk, and not against me in any form or shape. The charge against me of a supposed balance on the Consolidated Fund of 896*l.* 18*s.*, even if substantiated, is a charge against Mr. Ruscoe, and not against me, as I have before stated. This charge falls to the ground. Messrs. Greenwood and Hindmarch state that Mr. Ruscoe, the clerk, received the fees on 41 patents, running through the whole 31 years, and that he omitted to charge such fees against himself in the Fee Book. Consequently, assuming this statement against Mr. Ruscoe to be correct they were withheld by him, and not paid over to me. The charge against me of 560*l.* 7*s.* 10*d.* on account of the Suitors' Fund falls to the ground, Mr. Greenwood having refused the required copies of accounts and papers. The following letter was addressed by Mr. Leman to the Lord Chancellor.

943. *Chairman.*] What is the date of that letter?

The 3d of March 1865.

The same is read as follows.

"51, Lincoln's Inn Fields,

My Lord, 3d March 1865.

I have the honour to inform your Lordship that the Accountant General has, on search in his office, afforded to Mr. Edmunds distinct proof that two sums, 171*l.* 3*s.* (12th August 1834), and 296*l.* 13*s.* 6*d.* (11th February 1836), charged by Messrs. Greenwood and Hindmarch in their Second Report to have been wilfully 'kept back' by Mr. Edmunds, were both duly paid at the dates above mentioned, 30 and 32 years back, to the Bank of England, to the credit of the Suitors' Fund. As your Lordship is ex officio guardian of the Suitors' Fund, I conceive it to be my duty to make this communication. The two above-mentioned payments appear 'upon the face' of the Patent Office pass-book, lying open before Messrs. Greenwood and Hindmarch, and are as follows: '1834, August 12, to Accountant General, 171*l.* 3*s.*; 1836, February 11, to Accountant General, 296*l.* 13*s.* 6*d.*' With these entries before them the conduct of Messrs. Greenwood and Hindmarch in wilfully neglecting to make the proper inquiries at the Accountant General's Office, and in proceeding to make so grave a charge, without the fullest previous investigation and inquiry, appears to be quite inexcusable. It requires no comment. Two letters have been written by Mr. Edmunds to Mr. Greenwood (8th and 12th ult. respectively), requesting copies and inspections of various papers and accounts, and also requesting Mr. Greenwood to send him two or three copies of the lithographed Second Report. Mr. Greenwood has not replied to either of these letters, and he has also neglected to send the required copies of the Report. I have to request your Lordship will be good enough to direct Mr. Greenwood to send to me the required copies.

I have the honour to remain,
My Lord,
Your Lordship's most obedient servant,

The Right Honourable the Lord High Chancellor. JAMES LEMAN."

This

This letter was answered by the Lord Chancellor, who stated that he had transmitted it to Mr. Greenwood. Upon that, no doubt, Mr. Greenwood made a proper inquiry, and he has since retracted. The Lord Chancellor replied to Mr. Leman, stating that he had transmitted his letter to Mr. Greenwood, and had directed Mr. Greenwood to furnish the papers required. No doubt, upon the receipt of this letter, Mr. Greenwood instituted the inquiry which he ought to have made before he brought this charge, and upon that comes his retractation.

944. *Chairman.*] You stated that the date of the letter was the 3d March 1865, I think?
Yes.

945. Are you aware that among the papers which you have had an opportunity of reading there is a Supplemental Report of Messrs. Greenwood and Hindmarch, dated the 28th February?
I never saw it.

946. If you will turn to the end of the printed papers which have been furnished to you you will find it.
It was not at that date transmitted to me.

947. There is a note which gives the reason why it was not. Will you read it?
"The above report was drawn on the day on which it bears date (Tuesday, "28th February), and sent by post on that night to Mr. Hindmarch, on the northern "circuit, Durham; but in consequence of his movements elsewhere was not received by "him till yesterday, nor signed until to-day."

948. Earl of *Clarendon.*] You charge Messrs. Greenwood and Hindmarch with negligence and impropriety in not having made this inquiry at the place where they might have got the information; but if you look at this letter you will see that they say: "The "course which we adopted in that part of our inquiry to which this letter refers was to "ascertain the amount which Mr. Edmunds ought to have paid to the Chancery Fee "Funds, and we referred to the Accountant General for an account of the monies which "Mr. Edmunds actually did pay over. The Accountant General reported to us, under "the misapprehension explained in his letter, that the two sums in question (amounting "together to 467*l.* 16*s.* 6*d.*) had not been paid. The fact of their having been paid, as "now explained by the Accountant General, will reduce the sum for which Mr. Edmunds "was liable." And the Accountant General explains here what the confusion was which had prevented his knowing that that amount had been paid by you. He says, it was from the payments from two different sources being lumped together?
My complaint is, that such an accusation as this should have been started in the world and into the newspapers behind my back. Reason and common justice would have pointed out that before making such an accusation in an official report I should have had an opportunity of making an investigation myself.

949. The case stands thus:—Certain monies ought to have been paid to the account of the Accountant General. Messrs. Greenwood and Hindmarch apply to the Accountant General to know whether such monies have been paid. The Accountant General answers that they have not; and he subsequently explains what was the cause of his having so reported, namely, that it originated in the confused manner in which the payments were made?
It was not found out till I found it out. Messrs. Greenwood and Hindmarch did not make the discovery. I made it. It was upon my going to the Accountant General's office that this discovery was made.

950. Lord *Panmure.*] Certain monies were to be paid into the account of the Accountant General. Messrs. Greenwood and Hindmarch asked the Accountant General whether they had been paid in or not, and the Accountant General replied to them that they had not been paid in. Then, upon your ascertaining this, you go to the Accountant General, and you clear the matter up for yourself, and it turns out, upon the explanation of the Accountant General, that the sums had been paid in, but that he had misled Messrs. Greenwood and Hindmarch, owing to the complicated manner in which they had been paid in, because the whole sum had been paid in in the name of the Clerk of the Crown, and was entered as a payment made in that name, and not by you as Clerk of the Patents?
Yes; but the charge is published.

Mr. L. Edmunds. 20th Mar. 1865.

951. Earl *Graham.*] Your complaint is that they stated to the public that these monies had not been paid, without having told you of that accusation, so that you might explain it?
Yes.

952. *Chairman.*] With regard to their not giving you information, had you not declined, for reasons which you have already stated to the Committee, to come before them in any way?
Yes. There is a letter upon the Minutes, in which I stated to the Treasury my reasons for declining. But here, upon the face of the pass book (and Mr. Greenwood has taken the face of the pass book as indisputable testimony against me on various occasions), these payments appear. I say that Mr. Greenwood, finding this primâ facie evidence of the payments upon the face of the pass book, ought, before publishing to the world such an accusation as this, to have made a more particular inquiry; but this is evidence of their anxiety to precipitate their Report.

953. Are there any other points upon which you think, in justice to yourself, you ought to give explanations?
Mr. Greenwood stated on Friday that he had kept the Second Report secret, and that that was the reason why he refused me the copies I required. Possibly he may be able to account for his Secret Report having found its way some weeks back to the public press in all its details.

954. Lord *Stanley of Alderley.*] It does not follow that he communicated it?
It was not kept secret, certainly.

955. Earl of *Derby.*] Was not the substance of the answer given by Mr. Greenwood in explanation of his not having communicated that report to you, that he had had several applications to be allowed to see it; that he had refused them all, upon the ground that that report was prepared by the directions of the Commissioners, and that to them only he should communicate it?
Yes; I believe it was to that effect. I remark upon it that it is extraordinary that having been kept in that secret condition it should have got into the hands of the press.

956. *Chairman.*] Have you any other remarks which you wish to make?
Yes; several.

957. Earl of *Derby.*] Upon this part of the case?
Not upon the Suitors' Fund.

958. Upon your resignation of the office of Clerk of the Patents?
I wish to deal with the Second Report. There is an item as to Mr. Thurlow's fees. Messrs. Greenwood and Hindmarch make a paragraph upon that subject.

959. Will you state what passage you refer to?
It is about the middle of page 54. This point is hardly worth mentioning, except to show the animus of the proceedings. "And as showing the character of Mr. Edmunds" (I suppose that means the bad character), "it is worthy of notice that from about the "same period until 1st October 1852 (when the Patent Law Amendment Act came "into operation) Mr. Edmunds charged a commission or per-centage of 2½ per cent. "upon the fees collected by Mr. Ruscoe for the Clerk of the Hanaper, and in that way "obtained for his own use about 100*l.* a year, for which he literally did nothing, because "the money for the Hanaper fees at that time never came into Mr. Edmunds' posses-"sion, but was received by Mr. Ruscoe, and was by him paid over to the Clerk of the "Hanaper or his agent;" it was a per-centage upon those fees collected for Mr. Thurlow.

960. Mr. Greenwood goes on to say: "According to the best information we can "obtain, the preparation of the charters, patents, &c., in the year 1845, would cost about "259*l.* 19*s.* for which deduction from the 283*l.* 2*s.* 9*d.* received by Mr. Ruscoe would "leave for him a surplus of 23*l.* 3*s.* 9*d.* The abstraction of 100*l.*, therefore, by "Mr. Edmunds, from the amount of the discounts received in 1845, as above "mentioned, would have left Mr. Ruscoe without the means of defraying the expenses "of the office, if he had not obtained money from some other source; and from the com-"mencement of the year 1845 we find that the salary of 130*l.* a year was discontinued, "and another mode adopted for remunerating Mr. Ruscoe out of the public purse?"
Yes. I have other answers upon that subject, but I propose to deal first with the subject of Mr. Thurlow's fees.

961. Lord

961. Lord *Chelmsford.*] What was Mr. Thurlow?

Clerk of the Hanaper. I had taken Mr. Thurlow's fees for twelve years gratuitously, such fees having, like all others, increased greatly in amount in 1845 to nearly 4,000*l.* per annum. I was in no way bound to take those fees for Mr. Thurlow; they were his private fees; and I thought proper, in 1845, to decline the responsibility and risk of taking them without remuneration. They were payable by the patent agents to Mr. Thurlow himself. On my refusal, Mr. Seton, the Deputy Clerk of the Hanaper, acting for Mr. Thurlow, asked me as a favour to collect those fees, offering a per-centage thereon, and treating me as his banker or agent. I consented, stipulating, however, that Mr. Seton should himself audit the accounts with the clerk, and that he should take the money once a month, or at shorter intervals, from the clerk direct, not passing the money through Messrs. Coutts. I did not hold the clerk accountable for the receipt of this money, as Mr. Greenwood untruly states. And Mr. Greenwood as a lawyer ought to know that the fact of the receipt of a per-centage made me legally responsible to Mr. Thurlow, and not the clerk. I never in any case made the clerk responsible for losses on money payments, not even in cases of gross negligence, as for instance when he paid two cheques amounting together to 138*l.* to the clerk of the solicitor to the Solicitors' Fund instead of his master. The clerk, by a process amounting almost to forgery, stole these cheques, and I lost the money. I did not dream of charging the clerk with the loss, although caused by his negligence.

962. Earl of *Derby.*] What is the meaning of the statement, that Mr. Ruscoe is the person collecting the fees?

He did collect the fees, no doubt; but I was responsible for the money. He collected the fees, as he did all other fees in the office, but I was accountable to the Clerk of the Hanaper for them.

963. Lord *Panmure.*] Then it is not an incorrect statement of Messrs. Greenwood and Hindmarch when they say that you charged a commission or per-centage of 2½ per cent. upon the fees collected by Mr. Ruscoe for the Clerk of the Hanaper?

No, it is not.

964. *Chairman.*] But you account for it by saying that you charged that commission to remunerate you for the pecuniary responsibility?

Just as a banker would make the charge.

965. Earl *Graham.*] And you were specially asked by Mr. Thurlow to do it, were you not?

By Mr. Seton, for Mr. Thurlow. I refused to receive those fees any longer; they came to a large amount, and I did not choose to take them gratuitously. I was not bound to take them in any way.

966. Lord *Stanley of Alderley.*] Were there none of those fees previously to 1852 that went to the Clerk of the Hanaper?

Yes; from the beginning.

967. Was any per-centage charged upon the collection of them previously to 1852?

I received those fees, and paid them over to Mr. Thurlow, from 1833 up to 1845, without charging any per-centage. I then found that those fees amounted to a very large sum, 4,000*l.* a year, and I did not choose to take further responsibility. I was in the position of an agent or a banker.

968. At first they were collected without the per-centage?

Yes.

969. When they became of very large amount then you charged a per-centage?

Yes.

970. Earl of *Derby.*] Was it any part of your business to collect them?

No; it was the business of Mr. Thurlow himself to collect them. Mr. Thurlow did nothing; he never touched a patent, nor saw a patent.

971. Earl *Graham.*] After 1852 what became of the fees on the commission?

After 1852 no Hanaper fees were received upon the patents for inventions.

972. The office was abolished then, was it not?

The office was abolished about that time. I think it was a year or two before 1852.

Mr. L. Edmunds.

20th Mar. 1865.

973. *Chairman.*] What did your responsibility amount to in the matter?
To close upon 4,000*l.* a year.

974. In what case could you have been made liable?
Supposing after those fees had been received the clerk had appropriated them to himself?

975. You mean if Mr. Ruscoe had done so?
Yes, if he had; or if a bank had failed.

976. Would you have been liable in that case?
Yes; I was liable undoubtedly to Mr. Thurlow. The moment I took the per-centage that made me legally liable.

977. Earl *Graham.*] Did Messrs. Greenwood and Hindmarch examine you upon this point?
No; this is interpolated, it is irrelevant.

978. Lord *Panmure.*] Supposing Mr. Thurlow had employed legal or other assistance to receive those fees, he would have had to pay a clerk in the same way?
No doubt he would, because he must then have gone round and collected them from each patent agent; he must have had a traveller for the purpose. With reference to the second part of the paragraph, where Messrs. Greenwood and Hindmarch state that I took all the salary, and starved Mr. Ruscoe, or something to that effect, they say that he had only 23*l.* 3*s.* 9*d.*; in another place they say that he had only 40*l.* a year in remuneration for his services. They pretend to state this as a sort of palliation or excuse for his having appropriated money improperly, as they allege, but of which there is no proof. This is really meant as an attack upon me. They state that Mr. Ruscoe took gratuities from the patent agents; and I have no doubt they ascertained from him at the time of his examination the amount of such gratuities, for having raised that question it was their obvious duty so to do, if they meddled with the subject at all. Even if Mr. Ruscoe's gains had been limited to this small sum of 40*l.* per annum, his gains were greater than mine, for one year with another I had nothing whatever. The statement, however, is not true. The gratuities in question were allowances from the patent agents to Mr. Ruscoe, the clerk, amounting to 10*s.*, 12*s.*, or 14*s.* on each patent, including his profits on the sale of boxes to hold the patent and seal, for expedition, and other extra services. His income at no time, from all sources, could have been under 150*l.* per annum, increasing to 200*l.*, and eventually 300*l.* as the number of patents increased. From 1844 onwards it was quite up to 300*l.* per annum. This is a miserable invention; it serves, however, to show the bitter animus actuating these two gentlemen. It is in the tone of all their several reports and observations from the beginning to the end. There are numberless other unworthy insinuations and mis-statements plentifully interspersed through this Second Report, for the most part details of the mere talk of Mr. Ruscoe, the clerk. Even the details are given of his utterly false versions of imaginary conversations between him and myself 20 years since; all being statements made behind my back, by a person whom they, Messrs. Greenwood and Hindmarch, denounce as unfit to remain in the office, by reason of heavy money charges, which charges they report as proved against him. No evidence has been taken upon oath, but they detail Mr. Ruscoe's assertions, and form charges against me upon such assertions, made behind my back, treating them as facts ascertained upon legal evidence, tendered upon oath in a court of justice.

979. *Chairman.*] I must repeat my question here, when you talk of hearing evidence behind your back. Did they not offer you an opportunity of being present at all the examinations they subsequently held, and for the reasons you have stated to the Committee; did you not decline to be present?
Yes; but I maintain that before this Report was issued a draft of the Report ought to have been submitted to me.

980. Lord *Panmure.*] Might not you have heard all this evidence if you had attended, as you had an opportunity of doing, at their meetings?
Yes, perhaps I might.

981. Lord *Stanley of Alderley.*] Were you not offered by the Lord Chancellor an opportunity of being heard before the Vice-Chancellors, if you had declined to resign your office?
That is going very far back; and besides there was only four or five or six days' notice given of that hearing.

982. Earl

982. Earl of *Clarendon.*] Do I understand you to say that you would have expected Messrs. Greenwood and Hindmarch to submit their report to you before publishing it?
I think that before making and publishing accusations of this kind they ought to have sent me a draft.

983. They having been commissioned to inquire into your conduct, you think that they should have sent you a draft of the Report that they made to the Commissioners who employed them before sending it in, to see whether you approved of it or not?
I maintain with respect to such allegations as these they ought to have communicated to me the evidence, if it could be so called, upon which they proceeded.

984. Lord *Panmure.*] After having afforded you an opportunity of being present at all the examinations, and after you having refused to attend, do you still think that they ought to have furnished you with a copy of the Report before sending it in to those who appointed them?
Before publishing it, undoutedly they ought.

985. I say before sending it in to those whom they were called upon to examine into the Patent Office?
This report has gone out into the world, and speeches have been made upon it in Parliament, by the Law Officers of the Crown. It is all published.

986. Lord *Taunton.*] Is there any other point to which you wish to call the attention of the Committee?
Upon the subject of the discounts I have something that I wish to say. The Lord Chancellor told Mr. Leman distinctly at the first interview——

987. Earl of *Derby.*] Shall we not have this evidence from Mr. Leman?
Yes.

988. You only know what Mr. Leman told you that the Lord Chancellor had told him?
Yes.

989. You have no memorandum of it?
Yes; taken at the time. I will leave it in your Lordships' hands.

990. *Chairman.*] Have you any further observations you wish to make to the Committee?
There are some other points on which I should wish to say a word. The monies passed through my hands in the Patent Office Account, and received and disbursed by me on the several acconnts, the Exchequer, the Suitors' Fund, the Hanaper, the Sealers and Chaff Wax, and for which I have been answerable, have within the 19 years (September 1833 to October 1852) amounted in the aggregate to the sum of 147,000*l.* Of this sum of 147,000*l.* not much more than one third was received on account of the Exchequer. The monies imprested to me from time to time by the Treasury, for the incidental expenses of the Patent Office, under the Patent Law Amendment Act of 1852, and disbursed by me, have, within the 12 years from October 1825 to August 1864 (including the comparatively small sums received on sales of printed specifications), amounted in the aggregate to the sum of 108,000*l.* Altogether I have within the 31 years above mentioned received in cash, disbursed, and been made answerable for the enormous sum of 256,000*l.*: over a quarter of a million of money. In respect of the monies received and disbursed in the last 12 years (108,000*l.*), for incidental expenses under the Act of 1852, I have rendered half yearly accounts to the Treasury as required. Such accounts have been investigated and audited by the Treasury, and by the Commissioners of Audit. They have all been passed, no difficulty has ever arisen on any one of them, and not one sixpence expended by me has ever been disallowed. In respect, however, of the large sums of money received on account of and paid to the Exchequer, under the Act 3d and 4th William 4th, chapter 84, unfortunately I was never put under audit. I never rendered to the Treasury, to the Commissioners of Audit, or to any authority whatsoever, any account of receipts and payments of any description, although for 19 years in succession large sums on this account were paid by me half yearly through the office of the Comptroller of the Exchequer to the Bank of England, the specification paper on each payment stating that the money was paid on account of fees received in the Patent Office, under the Act 3d and 4th William 4th, chapter 84. If yearly accounts had been rendered and duly audited, in relation to this account, it is obvious no mischief or difficulty could ever have taken place. In the receipts, disbursements, and payments of the above-mentioned

Mr. L. Edmunds.
20th Mar. 1865.

large sum of 256,000*l.*, running over 31 years, (the first-mentioned proportion of 147,000*l.* having been received in the office in small sums varying from 30*s.* to 10*l.* or 20*l.*,) I have undoubtedly sustained losses to a very considerable amount. I estimate such losses at from 1,400*l.* to 1,500*l.*; and from the monies I have paid over I have made no deduction whatever in this respect from any one of the above-mentioned accounts. It cannot be maintained that in any transfers that may have been made from the Patent Office Account to my private account such transfers were made exclusively from the monies received on account of the Exchequer, as asserted by Messrs. Greenwood and Hindmarch. There was no separate account of Exchequer monies, and such Exchequer monies did not in any one year, as before-mentioned, amount to much over one third of the monies passed through the account. The sum of 53,925*l.* has, in the aggregate, been received on account of the Exchequer within the thirty-one years from 1833 to 1864, and that sum has been paid over. In dealing through the whole period of thirty-one years with this separate Patent Office Account, averaging over 8,000*l.* per annum, and amounting altogether to 256,000*l.*, I have not transferred, borrowed, or used, in any shape, for my own purposes, a sum amounting in the aggregate to over 2,500*l.*; not 1 per cent. on the account. I never drew one farthing at the counter; all the transfers were made in fixed sums of 400*l.*, 300*l.*, 100*l.*, 50*l.*, so as to mark them for retransfer. In no one year did I transfer or borrow any sum exceeding 400*l.*, and such sum of 400*l.* only on two occasions in two separate years, 300*l.* on three occasions in three separate years, in other years smaller sums, never exceeding 200*l.*, 150*l.*, 100*l.*, and 50*l.* At intervals of three, six, and nine years I did not transfer or borrow any sum whatever. For the last eight years I have not borrowed or transferred one farthing. In February 1863 the balances to the credit of the Patent Office Account stood at 4,896*l.* In June last the 500*l.* that had been invested in stamps was repaid into the Patent Office Account, with a further sum of 494*l.*, increasing the balance to 5,890*l.*, leaving at that time a deficiency ascertained subsequently on going through the whole accounts of the 31 years of 1,982*l.* In transferring this sum of 1,980*l.* from the private account to the Patent Office Account (12th August last), 1,450*l.* was to meet the losses, and 530*l.* to meet the then ascertained deficiency. The sum of 1,450*l.* at least is to be placed to the account of losses, readily to be understood, considering the heavy and voluminous character of the accounts running over 31 years, and amounting to more than a quarter of a million of money, and considering also that such accounts (to the amount of 148,000*l.*, as above-mentioned,) have never been rendered, or have had the common advantage of an audit by the Commissioners of Audit, or any other authority. Estimating the losses at 1,450*l.*, that sum would amount to about a half per cent. on the account. The balances have been paid over in full on all the accounts, and no deduction whatever has ever been made on account of losses. This money business had been imposed upon me in the character of a banker without banker's profits, per-centages, or emoluments. I have never received any emolument or pay in the character of treasurer or accountant, in remuneration for the great burthen, great risks, certain losses, and responsibilities in respect of the receipts and disbursements of this large sum of 256,000*l.* For the first 19 years (in which years 147,000*l.* was received and disbursed as above mentioned) I never received any emolument or pay in remuneration whatsoever, either for the duties of the office or in respect of the great burthen and risk in money, for the 300*l.* per annum paid out of the salary in trust, together with the expenses and losses, totally absorbed the salary of 400*l.* per annum. I have communicated to your Lordships unreservedly and truly all the facts and circumstances of this case. I have concealed nothing; I have reserved no one circumstance telling against myself. I can, however, truly state that I accumulated the monies in the Patent Office Account only with the view ultimately, as I trust must be apparent to all your Lordships, of honestly discharging, to the utmost farthing, every sum of money received by me on account of the office. I have paid to the Exchequer every farthing received by me, and more, to a considerable amount. I have already stated to your Lordships the circumstances under which the first default in payments to the Exchequer in 1853 occurred. I confidently rely on your Lordships' sense of justice. I have nothing further to say.

991. We shall have to call upon you again upon two other subjects; the resignation of your office as Reading Clerk in the House of Lords, and with regard to certain circumstances to which you alluded with respect to your appointment as Clerk of the Patents?

I shall be prepared when your Lordships call upon me. Perhaps your Lordships will take the question of the resignation to-morrow.

Mr.

Mr. PEMBERTON GIPPS and Mr. CHARLES HOOPER are again called in, and further examined as follows:

Mr. P. Gibbs.
Mr. C. Hooper.

20th Mar. 1865.

992. *Chairman.*] Have you conferred together upon the subject of the accounts?

Mr. Gipps.] As far as we can; but perhaps your Lordships will permit me to say that there is a misapprehension about this amount of 53,927*l.* being Mr. Hooper's account. Mr. Hooper has never made out any such account at all; that is Mr. Edmunds' account.

993. *To Mr. Hooper.*] Will you have the goodness to state how much assistance you gave to Mr. Edmunds in these accounts?

I may state it at once; and I think it will give your Lordships all the information you require. I was called in by Mr. Edmunds to make up certain accounts from him from the time of his appointment in 1833 up to the end of 1841. During this period of time certain books in the Patent Office were lost, and the accounts which were supposed to be rendered quarterly by the Clerk in the Patent Office to Mr. Edmunds, to enable him to pay into the Government certain sums of money that were due, were also lost or mislaid. Consequently Mr. Edmunds required for his own satisfaction these accounts to be made out, to see whether he had paid in sufficient money to cover those amounts. I accordingly made up the accounts from August 1833, the date of Mr. Edmunds' appointment, to the end of 1841. I may here state that the only guide I had to enable me to make those accounts out was a book called the docket book; for the fee book, that is the book which contained the amount of fees that were received in the office, was lost. In this docket book it was stated whether a patent was for an invention, or a licence, or a charter, the word "charter," for example, being written under the name of the party, such as the University of London; but it did not state in the majority of instances the number of skins used for the patent. Consequently I took it as one skin. I could not take it as any other number. I might have taken it at a dozen, or ten, or half a dozen. I therefore took it as one skin. But it appears by Mr. Gipps's accounts that he has searched the Rolls, and had other facilities which I never had, my accounts being made up merely for the satisfaction of Mr. Edmunds' own private mind; and Mr. Gipps has found out the total quantity of skins. Therefore, the slight discrepancy that arises between us is in the number of skins.

994. Earl of *Derby.*] Does that discrepancy in the number of skins, so far as you can make out, account for the alleged discrepancy in the accounts of 890*l.*

No; I cannot go so far as to say that, because my accounts cease in 1841. In order to enable me to check the discrepancy of 890*l.* between us, I must of necessity continue my accounts from 1841 up to the time when Mr. Gipps ends.

995. Can you state what amount of discrepancy it does account for up to the end of 1841?

Yes, I can do that. Taking it that the money was paid by Mr. Edmunds upon the 31st of December 1841, at the end of the year there would be a deficiency of about 3,000*l.*; but at the end of 1842, giving Mr. Edmunds the grace of a twelvemonth to settle up the accounts of 1841, the difference between myself and Mr. Gipps is 131*l.* 6*s.* 2*d.*, which is satisfactorily accounted for by the difference in the number of skins.

996. That difference is accounted for by the number of skins which Mr. Gipps has taken more than you?

Yes; it is accounted for by the number of skins, so that in reality the difference is one to one.

997. *Chairman.*] You would probably not be surprised at a still further discrepancy occurring with a greater number of years, would you?

Your Lordship means after 1841, I presume. To enable me to ratify that, it would be necessary for me to make up the accounts.

998. Lord *Stanley of Alderley.*] (*To Mr. Gipps.*) What additional documents had you besides the docket book to enable you to make out your account?

I found that the docket books were imperfect in not stating the number of skins. I therefore searched at the Rolls Chapel and Enrolment Office, where records are kept, more or less, of the numbers of skins, and I made up my accounts from that information as well.

Mr. P. Gipps.
Mr. C. Hooper.
10th Mar. 1865.

999. That enabled you to ascertain the number of skins used for each particular Patent?
Yes.

1000. Lord *Taunton.*] And you confirm the account that has just been given by Mr. Hooper of the state of those accounts, and the reasons for the difference that exists between the results you have arrived at?
I did not follow his statement perfectly. One thing that he said was, that there was a difference of only 131*l.* between my account and his up to the end of 1841. I think he must have meant between his account and Mr. Edmunds's up to that date.

1001. Lord *Stanley of Alderley.*] Down to what date does your account come?
To July 30th, 1864; to the date of Mr. Edmunds's resignation.

1002. Could you ascertain what would be the difference between the account as made up by you, which includes the actual number of skins, and the account which would be made up, considering that there was only one skin for each Patent?
That would take some time to do.

1003. That is the difference between you and Mr. Hooper, is it not, that the one includes the number of skins actually used, and the other considers every Patent to have been on one skin?
Yes; that is so.

1004. Earl of *Derby.*] You have ascertained the number of the Patents up to 1844, have you not?
Yes.

1005. Then it would not be very difficult to say what would be the difference between the real number of skins, and the number taking one for each Patent?
No; but I do not think that would make the accounts agree, because there are deductions in certain years, of which Mr. Hooper would know nothing, except by having access to the Patent Office Account Books. I think I can explain the amount of difference between Mr. Edmunds's accounts and my own, at once. The difference of 891*l.*, I think your Lordships will see, is taken from an account called Account A. That account A. was made out in accordance with special instructions that I received from Mr. Hindmarch. Perhaps I may draw your Lordships' attention to the first four years. You will see that I have not put down there the quarter's receipts at all; that was because I found in those quarters that I made Mr. Edmunds accountable for rather less than he had actually paid in; that is to say, according to the account which I made out, and which appears in these books which I consider as my account, I found him to have paid in rather more than the docket books show as being due from him; but Mr. Hindmarch said, "It is fair to presume that Mr. Edmunds would not have done "that, and therefore I wish you to get out an account showing the larger amount in "each case." He said, "We will explain it in our report that you have done so;" and consequently I did it in that way.

1006. Have you got a copy of the directions given to you by Mr. Hindmarch?
No; they were given to me verbally.

1007. Earl of *Malmesbury.*] In what way could you have compiled the sums you put down?
I simply took the entries from the docket books, and put down the proper fees against each entry; and I then found that during the first period, for instance, ending December 31st, 1833, I make Mr. Edmunds a debtor for 466*l.* 12*s.* 6*d.*, whereas he paid in 467*l.* 11*s.* 4*d.* I went through those books very carefully with Mr. Hindmarch. We examined every item, and he came to the conclusion I have stated. He said, "It is "fair to presume that Mr. Edmunds did not pay in too much."

1008. Earl of *Derby.*] Do you mean to say, therefore, that when Mr. Edmunds appeared to have paid more than he was chargeable for, you inserted in the account of the sums with which he was chargeable the larger sum which Mr. Edmunds had paid?
In this Account A. I did so, but not in my own account; in my own account I wrote down the amount from the docket books.

1009. Earl of *Malmesbury.*] The other account was made up according to Mr. Hindmarch's directions?
By Mr. Hindmarch's special directions. I should mention that they were very trifling sums.

Mr.

Mr. *Hooper.*] Perhaps your Lordships would permit me to observe that when these amounts, calculated from the docket book, have been verified by the actual amount received in the office according to their cash book, it would appear to be for the benefit of Mr. Edmunds.

1010. Earl *Graham.*] (*To Mr. Gipps.*) You stated, did you not, that Account A was the account made out according to Mr. Hooper's directions to you?
Yes.

1011. You spoke also of another made out by yourself?
Yes. This is it (*producing a book*).

1012. Does that account differ from Account A.?
Yes, it differs from Account A.

1013. Does that alter the balance much?
It alters the balance by 200*l.* 15*s.* 8*d.* upon the whole period.

1014. Earl of *Malmesbury.*] Mr. Hindmarch told you that he would observe upon this matter in his Report?
Yes.

1015. Viscount *Hutchinson.*] You say that your account alters the balance; it reduces the balance against Mr. Edmunds, does it not?
Yes; it reduces the balance against Mr. Edmunds by 200*l.* 15*s.* 8*d.* It is mentioned in the Report; special attention is drawn to it.

Mr. *Hooper.*] Perhaps your Lordships will allow me to mention that one of those books which was reported to have been lost during the time I was making up my own accounts has been found since that period, and I believe Mr. Gipps has had the benefit of the use of it.

1016. *Chairman.*] What book was that?
A book called the Fee Book. No one in the Patent Office knew anything at all about these missing books before, I believe.

1017. Lord *Stanley of Alderley.*] (*To Mr. Edmunds.*) Did you not state that the 841*l.* was the difference according to the calculations made by Mr. Hooper?
No; Mr. Hooper only made out a portion of the accounts.

1018. (*To Mr. Hooper.*) What was the sum you said you had made out up to 1841; there was a balance in favour of Mr. Edmunds, was there not?
According to my own account, which I made out for Mr. Edmunds, it appeared that up to the end of 1841 he had paid in an amount of 220*l.*, taking the aggregate, more than he was bound to pay according to the only evidence I could get from the Patent Office; but since I have been conferring with Mr. Gipps, I have seen the amounts derived from the book that was missing at the time I made up the accounts, and which has been already found, and Mr. Gipps having had the facility of examining the rolls, and finding the number of skins used, which did not appear in the docket book, that reverses the scale, and up to the end of 1841 it appears that there is a difference of about 131*l.*

1019. You have made no account for any transactions subsequent to 1841?
No.

1020. (*To Mr. Edmunds.*) In your statement the other day, did you not say that according to Mr. Hooper's account the difference was 841*l.*?
No. In order to answer that, I should explain why I employed Mr. Hooper to get secondary evidence,—for it was nothing more, it was all secondary evidence,—The Fee Book from 1833 up to the year 1846 was lost, and I had no means of checking my payments to the Consolidated Fund for those years; therefore I employed Mr. Hooper to get out for me with the data, that is to say, this docket book, which is a record of the Patents, the best account that could be made out. I was perfectly satisfied when this account came out, showing that in the aggregate I had paid about 100*l.* more than the docket book charges me with according to the calculation made upon it.

Mr. L. Edmunds. 10th Mar. 1865.

1021. Viscount *Hutchinson.*] (*To Mr. Edmunds.*) I wish to draw your attention to the Account B. in these papers, the account which you yourself submitted on the 23d December 1864. Am I to understand that on the debit side of this account the amounts that are entered in the years 1833 to 1841 inclusive are the amounts as furnished to you by Mr. Hooper?

No; they are all amounts furnished to me by Mr. Ruscoe.

1022. I mean, are the amounts stated here ascertained and delivered from the account which Mr. Hooper made out for you?

They are checked by that account, not deduced from it.

1023. I think you stated in evidence the other day, that you had lost all the affidavits for the years previous to 1839?

Yes, I have.

1024. Am I to understand you that the entries in this account from 1833 to 1841 inclusive are identical in amount with those ascertained by Mr. Hooper for those years?

Not identical, because there were discrepancies; but upon the whole, putting one amount against the other, Mr. Hooper's account checks it. I should remark, however, that Mr. Hooper's account deduced in this way is very fallacious, and is no evidence whatever against the Fee Book, as far as I am concerned.

1025. For the years following 1841 the amounts entered here are deduced from the affidavits which you had in your possession, and which were drawn out by Mr. Ruscoe?

Yes.

1026. You entered for each year the total amount shown to be due from you by these affidavits?

Yes; but I understood just now that the Fee Book, 1839 to 1846, had turned up, which so far puts the question of Mr. Hooper's account aside. Mr. Ruscoe paid into my account at Messrs. Coutts' the sums of money which he received generally upon the whole of the accounts. He then, at the end of each quarter, gave me an account distributing those fees, which account was taken from the Fee Book, the Fee Book being the authority for those accounts. It turns out now that this missing Fee Book has been brought to light; it had been hidden, I suppose, somewhere, and it was at last brought to light. I have no doubt now, I shall show distinctly that the payments that I have made for these years from 1833 to 1846 were exactly the sums of money returned to me by Mr. Ruscoe from that Fee Book. I wish this to be understood. I think I have stated before with respect to the imputed balance charged against me on the Suitors' Fund, and this imputed balance charged against me upon the Consolidated Fund, whatever they may be, whether they be right or wrong, I entirely repudiate them. Those balances, if they are found, are balances found against Mr. Ruscoe, and not against me, because I have paid over to the Consolidated Fund all such sums of money as I have received from Mr. Ruscoe on account of the Consolidated Fund; and if Mr. Ruscoe (I do not mean to say anything of the sort) is found to have paid in to my account at Messrs. Coutts' an amount short of the proper sum that ought to have been paid in, that is his affair, and he has to account for it.

1027. During the period from 1833, when you were first appointed, down to 1852, when the new Patent Act was passed, was not Mr. Ruscoe your servant, and were you not responsible for his actions?

Yes, no doubt I was responsible for his actions, but if it turns out, as it is said, that, running over the whole 31 years, he has neglected to pay over the fees upon 41 patents out of the eight to ten thousand that were passed, he must make that good. It is his affair.

1028. After 1852 he ceased to be your servant, and became a salaried clerk in the office, did he not?

Yes, he did.

The Witnesses are directed to withdraw.

Mr.

Mr. THOMAS RUSCOE is called in; and having been sworn, is examined as follows:

Mr. T. Ruscoe.
20th Mar. 1865.

1029. *Chairman.*] Will you state what office you have held in the Patent Office?
Beginning from 1833 I was clerk to Mr. Edmunds. I officiated as such.

1030. Were you appointed?
I had no appointment.

1031. For what time did you act?
I acted from 1833.

1032. Up to what time?
Up to 1852 in that capacity.

1033. Have you held the same appointment all the time?
I had no appointment. I merely acted as clerk to Mr. Edmunds, or in that capacity. I had no appointment nor any salary.

1034. Duke of *Somerset.*] Have you never had any appointment?
In 1852 I had.

1035. In 1852 you had an appointment?
In 1852 I had an appointment.

1036. What was your appointment in 1852?
Chief Clerk in the Commissioners of Patents Office.

1037. Then I understand that from 1833 to 1852 you had no appointment and no salary?
None. I think I may correct myself by adding, with the exception of one year, when I think Mr. Edmunds allowed me a salary of 80*l.*

1038. In what way were you remunerated for your services from the period between 1833 and 1852?
By the discount on the stamps.

1039. When you came into the office were you told that that would be the emolument that you would receive?
I was told nothing. I was left to find it out.

1040. Lord *Taunton.*] Were you upon the establishment at this time in any way?
No.

1041. Earl of *Malmesbury.*] When you went in did you expect to have to work for nothing?
I was in the Lord Chancellor's Secretary's Office at the time that Lord Brougham's Act of Parliament came into operation appointing Mr. Edmunds Clerk of Patents.

1042. What induced you to go into an office where you had neither appointment nor salary?
The office came to me; I did not go to the office. I was conducting the business for the Deputy Clerk of Patents at that time, and he left the business as it was then.

1043. And you did it always gratis?
Yes, in the way I have stated.

1044. Lord *Taunton.*] Had you any other office at this time?
I was in the Lord Chancellor's Secretary's Office.

1045. Lord *Stanley of Alderley.*] In what capacity?
As clerk there.

1046. What did you receive for that?
I was there as engrossing clerk. I received no salary except what the stationers charge.

1047. So much for work done?
So much for work done.

1048. Lord *Taunton.*] Were you on the establishment there?
No.

Mr. T. Ruscoe.
9th Mar. 1865.

1049. *Chairman.*] This evidence was given by Mr. Leonard Edmunds on Friday:—"Was there any alteration made in 1845 with regard to the supply of skins, which put "you in a different position from that which you had been in in the year 1832. In "1832 you were in the nominal receipt of 400*l.* salary, out of which you charged "yourself with what you considered the expenses of the office?—Yes. If this supply "of skins is to be taken as an expense of the office was it a new expense?—It was not "a new expense, but it was enormously increased by reason of the number of patents "having increased so amazingly. This commenced in 1845. In the year 1844, as I "will show, deducting the 300*l.* which I had paid over, I was out of pocket. We will "suppose you then to have been in the full receipt of the 400*l.* for the present?—In "1844 I was actually out of pocket 80*l.*, and it was then that I directed Mr. Ruscoe "to make this charge of 10*s.* or 12*s.*, or whatever it was, upon the Patentee or upon the "Patent Agent, which would be quite right and proper; there never could have been a "question about that; it would have been quite right that he should pay for his "illuminated skins, and so on, for it had become an intolerable burden. Upon this point "Mr. Ruscoe and I are at issue. Mr. Ruscoe did not charge this money upon the "Patent Agents or upon the Patentee, but thought proper to charge it upon the Fee "Fund." Will you be good enough to state what is your recollection of what passed at that time?

My perfect recollection is that I was directed to charge it upon the Fund. I was to deduct it from the money paid over to the Fund. That is how I understood it, decidedly, and in no other way.

1050. Was the direction, whatever it might have been, given in writing or verbally?

Not in writing; verbally.

1051. Lord *Chelmsford.*] Do you recollect at all where these instructions were given to you?

In the office.

1052. Had you a separate room from Mr. Edmunds?

No; Mr. Edmunds had no room. It was merely by permission that the business was carried on at the Lord Chancellor's Secretary's Office; I being there as clerk.

1053. Were there other clerks present?

No.

1054. Duke of *Somerset.*] Where did you then conduct the business of the office?

In the outer office of the Lord Chancellor's Secretary's Office. There were two rooms occupied and paid for by the Lord Chancellor's Secretary.

1055. Lord *Taunton.*] Where is that office?

In Quality Court, Chancery Lane.

1056. Duke of *Somerset.*] Did you prepare affidavits to be made by Mr. Edmunds regularly at certain times in the year?

Yes; for the payment of the fees over to the Fund every quarter.

1057. You prepared those affidavits for Mr. Edmunds?

I prepared them for Mr. Edmunds, with an account.

1058. Do you know what became of those affidavits and that account afterwards?

No; I generally enclosed them in an envelope, and sent them to his house or to the House of Lords.

1059. Under what directions did you prepare those affidavits?

I think, in the first instance, Mr. Edmunds gave me a draft to prepare the affidavit from for the Consolidated Fund.

1060. He told you to prepare the affidavits always?

Yes; I think he gave me a draft to prepare them from first of all.

1061. Were those affidavits for money to be paid into the Exchequer?

Yes; they were for monies to be paid into the Consolidated Fund.

1062. How

1062. How long did you continue to furnish those affidavits?
I think quarterly; up to 1852; then I think in 1853 they were not prepared quarterly, because the fees had then very much diminished in consequence of the Patent Law Amendment Act of 1852; and I think the affidavits were then only sent in yearly.

1063. Then you made a change in your system of furnishing affidavits after the year 1852?
Yes.

1064. Were directions given to you to make such a change?
I cannot remember whether I received directions, or whether I did it of my own account. The amount being so small I think probably I did not receive any direction. I do not remember receiving any directions from Mr. Edmunds to that effect.

1065. You received yourself a large portion of the monies that were paid into the Patent Office. You were the receiver of them to pay them over, were you not?
I received the whole of them.

1066. Into what accounts did you pay them?
I paid them generally to my uncle's bankers; the stationers immediately opposite the office.

1067. You paid them into your uncle's bankers?
Yes. He was a stationer opposite to the office where we carried on the business.

1068. Who were your uncle's bankers?
My uncle's bankers were at that time Messrs. Dixon & Co. of Chancery Lane. I had no bankers of my own.

1069. Lord *Malmesbury.*] Did you pay them yourself into Messrs. Dixon's bank, or did you pay them to your uncle Mr. Ruscoe, and did he pay them into Messrs. Dixon's bank?
I paid them to my uncle Mr. Ruscoe, and he paid them into Messrs. Dixon's bank.

1070. Duke of *Somerset.*] Did you pay some money into Mr. Edmunds' account at Messrs. Coutts'?
Every quarter I did. I paid it according to the account. I paid the balance over.

1071. You paid the balance over; where?
To Mr. Edmunds' account at Messrs. Coutts' to his Patent Office Account, when I rendered the account.

1072. What balance was it that you paid over?
The balance of the quarter's account.

1073. Were there certain payments made out of the account first?
There were very few incidental expenses at that time; very few indeed in 1833; probably hardly anything.

1074. Were not the incidental expenses paid for by money received from the Treasury?
No; we had no money from the Treasury for incidental expenses.

1075. Do you mean to state that you had no money from the Treasury?
Not for incidental expenses from 1833 to 1852.

1076. Lord *Taunton.*] Did you keep a separate and distinct account of this money paid into your uncle's bankers?
No; it was paid through my uncle into his bankers, and my uncle kept a separate and distinct account.

1077. Do you know whether he kept a separate and distinct account of this public money, or did it go to his general account?
It went to his general account; he keeping a separate and distinct account.

1078. Lord *Chelmsford.*] Let me understand this: did you take the daily receipts to your uncle and did he pay them into Messrs. Dixon's bank?
Yes.

Mr. T. Ruscoe.
30th Mar. 1865.

1079. And not to a separate account, but to his general account at Messrs. Dixon's?
Yes; not to a separate account, but to a general account at Messrs. Dixon's.

1080. Did they remain there for a quarter of a year, and then were they transferred from Messrs. Dixon's to Messrs. Coutts', to the Patent Office account?
Yes; I may have paid some monthly. Mr. Edmunds shows me the book from which it appears that I did. I seem to have paid the money sometimes monthly, according to this book of Mr. Edmunds. But when I answered the question that was asked me whether I paid the amounts quarterly, I meant that I paid the balance of the account which remained, whatever it might be quarterly.

1081. Duke of *Somerset.*] I find it stated here that the Treasury used to have requisitions made upon them half-yearly by Mr. Edmunds for public money; that was wholly irrespective of the expenses of the office?
That is after 1852.

1082. After 1852 then the Treasury paid you certain money?
Yes.

1083. And with those monies you paid the bills, did you?
Yes, I paid the bills and accounts.

1084. Lord *Stanley of Alderley.*] Did you purchase stamps for the use of the office?
Yes.

1085. Out of what money did you procure those stamps?
From the money handed to me by the public.

1086. From the public money?
From the money handed to me by the public.

1087. I think you stated, that your emoluments were derived from the discounts on those stamps; was that the case?
Yes. Previously to 1852 the stamps were generally large stamps to the amount of about 30*l.*, and there was at that time a discount of 9*s.* upon the 30*l.* When I had paid the expenses of the office, the skin, and the engrossing of the Patent, the remainder was my emolument.

1088. Lord *Chelmsford.*] When you came into the office, was it the established custom there to receive discounts from the Stamp Office?
I always understood it was so, both in our office and other public offices.

1089. Lord *Stanley of Alderley.*] Are you aware in what way those stamps were purchased previous to your entrance into the office, were they purchased out of the public monies, or were they purchased out of the private funds of the individual who had the purchasing of them?
The stamp would not be purchased until the document was ordered, and then we should have the funds.

1090. Earl of *Clarendon.*] Who would have the funds? Would you take it out of the public money, or would the agent advance it?
It would be out of the money given by the agent, or by the party receiving the patent.

1091. Lord *Stanley of Alderley.*] Who would have been responsible for it?
Unless we had had the money from the party, the agent or the patentee, we should not have got it.

1092. Lord *Taunton.*] You had to pay for the stamp before the patent was made out, and before you received the money upon the patent, had you not?
We always received the money for the stamp before we purchased it.

1093. Lord *Stanley of Alderley.*] Since what period is it then that the stamps have been purchased out of the public money, as you state is now the practice?
Since 1852 they have been purchased out of the public money. From 1852 we have generally kept a stock of stamps in hand for the purpose of expediting the business of the office, and there is nearly 200*l.* worth of stamps provided by my own monies in the Patent Office at the present time.

1094. Then previous to 1852 I understand that the stamps were not purchased out of public money, but out of money provided by the agent for the purpose of having his patent stamped?
The money was given to me to get them stamped with.

1095. *Chairman.*] By whom?
By the agent or the patentee.

1096. Earl *Graham.*] You stated that other offices took discounts; what other offices did you refer to?
I think the Crown Office took discounts, and the Probate Office took discounts upon stamps.

The Witness is directed to withdraw.

Ordered, That the Committee be adjourned till to-morrow, Twelve o'clock.

Die Martis, 21° Martii 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

The Right Honourable Sir JOHN ROMILLY is called in; and having been sworn, is examined as follows:

Right Hon. Sir J. Romilly.

21st Mar. 1865.

1097. *Chairman.*] You are the Master of the Rolls?
Yes.

1098. And in that capacity you are officially one of the Commissioners of Patents?
I am.

1099. It has been stated in evidence to the Committee that certain disagreements arose in the Patent Office, that complaints were made by one officer against another with regard to what was going on in that office, and that the consequence was that the Commissioners of Patents directed a letter to be written to the Treasury, which we have in evidence, stating the necessity for an inquiry, and also a letter to Mr. Greenwood and Mr. Hindmarch, ordering an inquiry into the whole state of the office?
That is so. There was a good deal before that.

1100. The Committee have not thought it necessary to go into any question regarding the Patent Office, excepting those that apply to the circumstances of the pecuniary question affecting Mr. Edmunds. May I ask you whether in those proceedings you were consulted by and generally acted with the Lord Chancellor?
Yes; I think in almost every case; I believe in every case.

1101. Will you state to the Committee your recollection of what passed?
I took no part in the proceedings. I was consulted by the Lord Chancellor.

1102. Earl of *Derby.*] Before the inquiry was instituted?
Before the inquiry was instituted. According to my recollection, in 1862, I think about the beginning of the long vacation of 1862, the Lord Chancellor and I each received an anonymous letter, saying that a gentleman had committed malversation in the office, and that it had been slurred over in some very improper manner.

1103. Lord *Taunton.*] Was the name of the gentleman mentioned?
Yes; it was Mr. Smith. I think Mr. Smith's name was mentioned in the letter. Nothing was done immediately on this letter. It was just before the long vacation, and the Lord Chancellor consulted me, and we had an inquiry into it; I think in November 1862. I got the dates this morning, in order to be able to refresh my memory, and I think I am right in that respect. Then it appeared that Mr. Smith had committed some defalcations in 1861.

1104. *Chairman.*] Who conducted the inquiry?
The Lord Chancellor, the Attorney General, the Solicitor General, and myself met in the Lord Chancellor's private room, summoned the gentlemen connected with the office, and put questions to them. We did not administer any oath, but simply put questions to them. I think Mr. Greenwood too was asked to attend. Thereupon we found that a clerk in the office of the name of Smith had committed malversations in the office in

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the beginning of the year 1861, and that that had been concealed from us entirely, and that we had heard nothing about it, and should have heard nothing about it except for this anonymous letter. Thereupon we inquired why we were not informed about it, and we were told that Mr. Edmunds considered that no communication should be made except through him (I do not know whether that was true or not), and therefore they did not like to mention it at all. Then we inquired from Mr. Edmunds why he did not communicate it to us, and a good deal of unpleasant feeling arose from that circumstance, and also from the circumstance that Mr. Edmunds seemed to think that the office was under his control, and that the Commissioners had nothing to do with it, except merely formally. Several meetings were here held by the Lord Chancellor, the Attorney General, the Solicitor General, and myself, about the steps that should be taken.

1105. Earl of *Derby.*] The Attorney General then being Sir William Atherton, I think?

No; Sir Roundell Palmer.

1106. You are speaking of 1862?

Yes, it is true in 1862 Sir William Atherton was Attorney General and Sir Roundell Palmer was Solicitor General; but we had also many subsequent meetings: for this matter extended over a considerable time, in fact down to the beginning of last year, 1864; and I think upon that occasion we all agreed that the office was worse than useless; that the existence of it did harm, and that it was desirable to get rid of it.

1107. Earl of *Clarendon.*] What office do you refer to?

The office of Clerk to the Commissioners of Patents.

1108. Earl of *Malmesbury.*] That is Mr. Edmunds' office?

One of his offices. I had nothing to do with any other office that he held. I knew nothing of any other office; that was the only one that came under my cognizance or control at all. As early as November 1863 I think the Attorney General, Sir Roundell Palmer, and myself, both agreed that the office was a useless one, and did harm; and either that the officer did nothing, which was the best thing, or that if he interfered he did harm, and that it was very desirable that Mr. Edmunds should resign. I had understood that he had informed the Lord Chancellor that he was willing to resign, provided that he got the proper retiring pension, and I thought that exceedingly desirable. Then I think in the beginning of 1864 we found that Mr. Edmunds refused to resign, and insisted upon it that it was not possible for us to remove him or to compel him to resign. I was of opinion that we might remove him at once. I did not imagine that he had done anything wrong in a pecuniary point of view; but I thought that we might remove him at once, upon the ground that the office was not a desirable one to keep up; that the Lord Chancellor would not fill up the place; and therefore we might recommend to the Treasury to allow him a large retiring pension in consequence of that.

1109. Earl of *Derby.*] From whom had you the information that Mr. Edmunds declined to resign; was it from himself?

Not from himself; from the Lord Chancellor. The Lord Chancellor told me (but this, as your Lordships will observe, is mere hearsay evidence,) that Mr. Edmunds had told him that he was willing to resign.

1110. When was it that you learned that he was unwilling to resign?

It was at the beginning of last year, January 1864, when the Lord Chancellor communicated it to us. He said, "I am extremely surprised, for Mr. Edmunds assured me "that he had every intention to resign, but he informs me now that he had no intention "to resign, and insists upon it that he cannot be compelled to resign without a full "inquiry into his conduct." I thought that inquiry was not desirable. I must say I believe now I was wrong; but I thought we might have got rid of the matter by saying, "The office is useless; let it be abolished, and let the matter drop." However, he insisted upon a full inquiry, thereupon the Lord Chancellor appointed Messrs. Greenwood and Hindmarch to make the inquiry.

1111. *Chairman.*] Did you concur in the appointment of those two gentlemen for the purpose?

I believe (although I cannot say that I kept any memorandum upon the subject) that I thought it was better that they should not be persons appointed by ourselves, but somebody appointed by the Treasury; that it would have more weight and more effect if

if they were persons appointed by the Treasury for that purpose. But nobody could take any exception to Messrs. Greenwood and Hindmarch; each of them is omni exceptione major, if I may say so. I did not make any exception to their appointment; that is my impression of what took place.

1112. Have you any impression that those two gentlemen went into the inquiry with a feeling adverse to Mr. Edmunds?

I had not, when they were appointed, but I am bound to say that when I read their report I thought there were expressions in that report which did not look to me very judicial; there was what looked like animus in that report.

1113. Earl of *Derby*.] Have you had an opportunity of looking at what is called the evidence produced before those gentlemen?

No; I have not read the evidence. I assumed the Report with respect to money matters to be true, and that was all that I looked at,—the sole thing. I have no reason to suppose that they had any feeling against Mr. Edmunds, but if I had had the settling of the Report there are some passages that I should have struck out.

1114. Earl of *Malmesbury*.] Mr. Edmunds held two offices. Did he not refuse to resign the office of Clerk to the Commissioners of Patents without having an inquiry into his office of Clerk of the Patents?

I do not know. I do not know anything about the Clerk of the Patents. I never heard of any inquiry into that at all.

1115. This inquiry by Mr. Greenwood was into that, was it not?

I suppose it could not avoid going into that, because the moment they came to inquire into the manner in which he had kept the accounts they required his pass book to be produced, and as soon as his pass book was produced, as I understand from the Reports, the accounts were so mixed up that they could not investigate one without the other.

1116. Earl of *Clarendon*.] I think you stated that Mr. Edmunds refused to resign unless there was a full inquiry into his conduct. Was there not some other matter of complaint with respect to disputes between himself and Mr. Woodcroft that led to his demand for an inquiry. It was not with reference to his resignation, was it, that he made that demand?

No, not at all; it was principally with reference to the quarrels between Mr. Woodcroft and himself upon the management of the office. We did not intend, I believe, to institute any inquiry into the pecuniary matters of the office. I had not and I do not believe that any one of the Commissioners had the slightest suspicion that there was anything wrong in them.

1117. It was what you heard with respect to the quarrels in the office, and the consequent maladministration and confusion of affairs, that led you to think that the office of Clerk to the Commissioners of Patents was useless, or perhaps even worse,—positively mischievous?

I thought upon that ground that it would be desirable to put an end to that office altogether.

1118. Those disputes between Mr. Edmunds and Mr. Woodcroft had been brought to your cognizance, had they not?

Yes; they had been frequently brought before us.

1119. Lord *Chelmsford*.] When you thought that the office of Clerk to the Commissioners of Patents ought to be abolished, had you considered to what officer the duties of that office ought to be transferred?

Practically there are no duties. I believe the duties are nothing more than applying to the Stationery Office for the necessary stationery, to the Treasury for the cheques necessary, and drawing up the annual report that is laid before Parliament every year, which is merely formal. I believe there is really nothing else. As to all these, they might easily be done by a senior clerk in the office, and I strongly pressed upon the Lord Chancellor the importance of not filling up the office.

1120. When I put the question to you, I had a kind of notion that there were no important duties that the Clerk to the Commissioners of Patents had to perform?

In substance there are not.

1121. Earl of *Clarendon*.] In what year was the office of Clerk to the Commissioners of Patents created?

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I do not exactly know. Mr. Edmunds I know was appointed by Lord St. Leonards. I think it was under the statute of 1852. I was present at the time, and I think Lord Chelmsford will permit me to say, that he was present upon the occasion when Lord St. Leonards told us that he had appointed him.

1122. Earl of *Malmesbury*.] Was Mr. Edmunds responsible then only for the limited objects you have mentioned in connexion with his office?

That was all, except that the moneys to be paid into the Treasury were all paid to him.

1123. They were paid to him as Clerk of the Patents?

Yes. I should explain this to your Lordships. When we found that defalcations had occurred in the matter of Mr. Smith, we inquired into the mode in which the money was paid in the Patent Office. Your Lordships are aware that graduated patents are made that a great number of specifications and abstracts of specifications are bought, all which have to be accounted for. Finding that there had been this defalcation made by Mr. Smith, we endeavoured to put an end to anything of this sort in future, by causing all the payments to be made by stamps, and since that time, since November 1862 or the beginning of 1863, I believe (although I cannot say that I have gone into it very carefully) we have put it upon a footing which will prevent malversation in the office of the Commissioners of Patents. I am speaking of patents for inventions. Of course they are kept distinct from patents for honours.

1124. *Chairman.*] Your last answer with regard to the inquiry was, that you had concurred in appointing Messrs. Greenwood and Hindmarch to conduct the inquiry into these quarrels which had been going on, and the alleged disorganization of the Patent Office?

Yes.

1125. Did you hear anything more of it until you received the Preliminary Report from those gentlemen?

No.

1126. Upon receiving that Preliminary Report did the Lord Chancellor communicate again with you?

I think he did; but I may state that the Lord Chancellor wrote to me the other day to ask if I had the letter in which he asked me if I concurred in Mr. Edmunds' resigning his office of Clerk to the Commissioners of Patents. I sent him all the letters that I could find that he had written to me upon the subject. I dare say your Lordships have those letters before you.

1127. We have here certain letters to you, but there are no answers from you?

I kept no copies of my answers. I sent the letters all to the Lord Chancellor, but I kept no copies of them. In fact, it is rather surprising that I kept these letters; it was only because I thought, until the affair was over, something might arise, that I kept them.

1128. Can you state generally the pith of your answer to those letters?

I can only remember that upon one occasion I told the Lord Chancellor that I thought no inquiry was necessary, and that I considered that we might remove Mr. Edmunds without any inquiry at all, on the ground that the office was useless and his conduct injurious; not on the ground of any pecuniary culpability on his part; and also I think I told his Lordship, and I believe the Lord Chancellor refers to it in one of his letters to me, that the inquiry had better be conducted by a gentleman appointed by the Treasury. I rather think that was the substance of one of my letters. Then when the Lord Chancellor applied to me to know whether I approved of Mr. Edmunds retiring on payment of the whole of the amount, I think he told me that the Attorney General also thought that that might be done, and I stated my opinion that I thought it might be done, and upon reflection I think so still. I considered it very much in this light:—suppose I had discovered that a clerk of mine had embezzled my money for a considerable number of years, and when I discovered it, and told him of it, he said, "Well, I am exceedingly sorry. Of course I "must leave your service, but I have some friends who will make it all good." I think it would be a hard thing to prosecute him after that, and I think your Lordships would have considered that it would have been a harsh measure if that had been done. The Lord Chancellor in his letter to me (according to my recollection, without looking at the print of his letter,) did not at all undertake to say that Mr. Edmunds should not be prosecuted, but simply said that the papers must be laid before the Secretary or the Solicitor to the Treasury. It appeared to me, assuming the whole of the Report to be true

true (and I never looked at the evidence), to be an ordinary case of extensive embezzlement, and, looking at it in that point of view, I considered it thus:—Here is the person who has embezzled the money, willing to come forward and make it all good, and wishes to retire.

1129. Lord *Chelmsford.*] Did you use the word "embezzlement" in a criminal sense?

I thought it was a felony; I am bound to say that, however strongly it may tell against the course adopted, that I thought it was a felony.

1130. You must be aware, that, supposing the case you have put of a clerk who had embezzled money belonging to his master, to say to that clerk "I will take the money "from your friends, and not prosecute you," would be compounding a felony?

It is liable to that, which is a very harsh word. I cannot dispute that that is the fact.

1131. Lord *Taunton.*] Do you think it would be safe, with reference to the security of the public, that a public officer discovered in the embezzlement of public money should be allowed to go scot-free, provided he repaid that money to the Treasury?

Your Lordship will observe that in the letter of the Lord Chancellor to me he said that he should lay all the papers before the Secretary or the Solicitor to the Treasury. That is my recollection of it. If the letter is here I will refer to it.

1132. Earl of *Derby.*] Do you recollect the date of that letter?

No. I found it afterwards, and sent it to the Lord Chancellor, with another letter. It is not amongst these printed letters.

1133. Lord *Chelmsford.*] Do you refer to this letter of April the 23d, on page 2? What the Lord Chancellor proposes in that letter is to send all the cases, letters of complaint, and papers relating to this inquiry, to Mr. Greenwood (or Mr. Johnson, as you think best), with instructions to extract the several charges and counter charges and material subjects of inquiry?

No; the letter is not here. There are two letters which I sent to the Lord Chancellor after the first letters that I had found.

1134. Earl of *Derby.*] Are those letters between April the 23d and July the 15th, or between July the 15th and November the 29th?

They are between July the 15th and November the 29th.

1135. *Chairman.*] Were you at all influenced in your opinion that it was possible to accept the resignation of Mr. Edmunds by the fact that the evidence against him was chiefly derived from his own admissions?

No, I do not know that I was. I thought the evidence of the pass book and the non-receipt of the money at the Treasury were the strong things against him. The letter which the Lord Chancellor wrote to me, and which the Lord Chancellor will produce, I have no doubt was upon this subject. Mr. Leman had been to the Lord Chancellor on behalf of Mr. Edmunds, and had offered for him that he should resign his office, and pay the whole amount due to the Treasury. The Lord Chancellor then wanted to know if I thought that he might accept his resignation. He had told him that if he did accept it he should lay the papers before the solicitor of the Treasury, and he said that the Attorney General concurred in his view of it. I think your Lordships will find all these things in the Lord Chancellor's letter. Thereupon I wrote an answer to the effect that I thought that on that condition, or in that state of circumstances, he might accept his resignation; but there was nothing like an agreement that he should not be prosecuted. At the same time it always struck me thus, notwithstanding the expression which my Lord Chelmsford uses about compounding a felony, that it would be very difficult to accept from your clerk who had embezzled money the whole amount of the money he had taken and after that to prosecute him.

1136. Earl of *Derby.*] I think you stated that your judgment was formed upon reading the report of Messrs. Greenwood and Hindmarch?

Yes.

1137. And that you did not see any part of the evidence?

No; I saw nothing but the Reports.

1138. Had you an opportunity also of seeing Mr. Edmunds' reply to that Report?

Yes; and the answers to that reply; the comments upon it.

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1139. Viscount *Hutchinson.*] But that was not until after the resignation was accepted?

I do not remember the date exactly. I think it was after the resignation was accepted.

1140. Lord *Panmure.*] Have you seen the first of these letters; that is, the one dated the 23d of July 1863, in which the Lord Chancellor says, "You will recollect that my "view of Mr. Edmunds' conduct was rather more severe than yours, and that of the "Attorney General and Solicitor General, but I gladly yielded to the more lenient "view." There must have been some letter preceding that, or was it a verbal communication?

I presume it was a verbal communication; at all events I have no other letters. I handed over all the letters that I could find. I have now received the two letters which I sent to the Lord Chancellor after those that appear in this printed paper.

1141. Lord *Chelmsford.*] What I see in this letter makes me doubt the date which has been given to it; in the second paragraph there is this passage, "Our action was, "as you may recollect, interrupted by Mr. Edmunds announcing his resignation"?

Yes; but then that is the first announcement, which I explained to your Lordships. It goes on to say, "That suspended all further action; but after some weeks delay he "stated that he must defer his resignation, because he could not obtain a full pension." It is a little confused, but your Lordships must bear in mind that there are two resignations spoken of in this case. If you will permit me I will read the original letter.

1142. Earl of *Derby.*] What is the date of it?

July the 29th, 1864.

1143. That is immediately after the Report?

I think it must be immediately after the Report.

1144. *Chairman.*] Is it from the Lord Chancellor to yourself?

Yes; it is from the Lord Chancellor to myself.

1145. Will you read it?

Yes.

The same is read as follows:

"My dear Master of the Rolls, July 29.

Mr. James Leman, the solicitor and adviser of Mr. L. Edmunds, has called twice on me. His object has been to induce me to consent to Mr. L. Edmunds surrendering his offices of Clerk of the Patents and Clerk of the Commissioners forthwith. I have said that I would do so, if you consented, and concurred in the following course:

1. That Mr. Edmunds do forthwith resign his office of Clerk of the Patents and Clerk to the Commissioners.

2. That Mr. L. Edmunds do undertake forthwith to account to the Treasury for all sums due from him as Clerk of the Patents, and to pay the same as the Treasury shall direct. That Mr. Greenwood do make the necessary communication to the Secretary of the Treasury accordingly.

3. That under these circumstances no account be taken of profits by discounts received by Mr. Edmunds.

4. The Lord Chancellor feels it his duty to put Mr. Greenwood's and Mr. Hindmarch's Report into the hands of Lord Cranworth and Lord Kingsdown, desiring their opinion whether it is the duty of the Lord Chancellor not to allow Mr. Edmunds to continue an officer of the House of Lords.

The Attorney General entirely concurs in the course being taken, and the Solicitor General will be of the same opinion.

I think it is the best conclusion, and hope you will think so to.

Mr. Ruscoe must of course be discharged.

Yours sincerely,

WESTBURY."

1146. Earl of *Derby.*] Did you answer that letter of the 29th of July in the same day?

I will not be certain; probably I did. I do not think I could have delayed doing so till the next day.

1147. My reason for asking the question is, that on the same day the Lord Chancellor makes a communication that that arrangement will be carried into effect?

I should

I should think I did. I do not think I should have delayed answering his Lordship's letter. I cannot speak positively. I am quite sure that if my letter were produced your Lordships would find it regularly dated. My belief is, that I answered it without the slightest delay.

Right Hon. Sir J. Romilly.
21st Mar. 1865.

1148. I think that one of the conditions in that letter was that no account should be taken of any charge against Mr. Edmunds with regard to receiving the discounts?

Yes. There is great difficulty upon the whole question of the discounts. Even now, upon applying to the Stamp Office with respect to the mode of paying for the stamps upon patents, I understand that the Stamp Office say that the better way is to allow one of the officers in the department to take the discounts.

1149. Is that to your knowledge the course which has been pursued habitually in the different public offices?

I do not know whether it has or not. I was informed that this had taken place at the Stamp Office. I cannot tell whether that is so or not. At all events the discounts appeared to me to be in a very different position from the other part of the case.

1150. Earl of *Clarendon.*] Do you believe that when the Stamp Office say that they consider that the most convenient mode would be for an officer in the department to take the discounts they intend by that he should advance the money out of his own pocket for the purchase of the stamps?

Yes. I presume they thought that he would not advance public money, because then the Government would be the person who ought to get the discounts; but they thought that if a person chose to advance his own money it was not improper that he should make a profit upon it.

1151. *Chairman.*] You think it would be improper for him to do so if he advanced the money from public funds?

Yes, very improper. If he advanced my money, and made a profit upon it for himself, I should object to that, decidedly.

1152. Earl of *Clarendon.*] Have you not another letter which you were about to produce?

Yes; it appears to bear no date at all.

1153. *Chairman.*] Will you read it?

The same is read as follows:

"My dear Master of the Rolls, 1, Upper Hyde Park Gardens, W.

In conformity with our agreement, I have accepted Mr. Edmunds' resignation of the office of Clerk of the Patents, and also of the office of Clerk to the Commissioners.

I have sent for Mr. B. Woodcroft, and directed him, first, to discharge for the present, and until further order, the duties that were discharged by Mr. Edmunds. The only duties were, I believe, communicating with and obtaining money from the Treasury.

But all matters of business, particularly those connected with bills and accounts, seem to be so foreign to Mr. Woodcroft's pursuits and habits of thought that I do not think even these trifling duties ought to be left to him. I am obliged to fill up the office of Clerk of Patents, otherwise no patent on granting any office, title, or living could be completed.

But of course the office of Clerk to the Commissioners of Patents must and can well remain unfilled until some resolution has been come to by the Commissioners.

I have directed an accountant to examine Mr. Ruscoe's open accounts, and immediately that they are gone through Mr. Ruscoe is to leave the office. I have sent him his discharge, in the name of the Commissioners, understanding that to be our resolution. I have directed Mr. Woodcroft to prepare a scheme as to the manner in which Mr. Ruscoe's duties can best be discharged. Mr. Ruscoe, as a man of business, will be a loss.

Yours very sincerely,

WESTBURY.

The Right Honourable
The Master of the Rolls."

Your Lordship has asked me to put in these letters; but I must observe that I have no right to put them in, because they were private letters of the Lord Chancellor to me, and therefore I hope they may be considered as being put in by the Lord Chancellor, to whom I had sent them back.

Right Hon. Sir J. Romilly.

1st Mar. 1855.

1154. Earl *Graham.*] It has appeared in evidence that there was no demand ever made upon Mr. Edmunds for any accounts or for any payments of money for some years. Do you not think that that diminishes to some degree the culpability of his proceedings?

That is a question which I cannot properly answer. I should have thought not. It is a matter for your Lordships' consideration; it shows a great degree of trust, no doubt. The Treasury do not seem to have inquired very particularly into these accounts.

1155. Duke of *Somerset.*] I understand that it was in 1863 that the misconduct of Smith was discovered and inquired into?

I think your Grace will find that it was in 1862. I think it was in the beginning of the long vacation of 1862 that I received an anonymous letter, and the Lord Chancellor received one also, and then in November 1862 we began to inquire into it.

1156. When you conducted that inquiry, which I understand you conducted together with the Lord Chancellor and others, did it or did it not appear to you that the office must be in some state of confusion or mismanagement so that such defalcations could have occurred?

Very much so. But if you will permit me to say it in answer to that question, that opens up another point, that nothing can be worse than the constitution of this office, because, in the first place, it is under the control of four persons, who I think are (if I may be allowed to include myself), as hard worked as any four gentlemen in the kingdom, and the difficulty of getting a meeting of the four together to consult upon any subject is, I will not say almost insuperable, but is extremely difficult. You are obliged to make great sacrifices, and accordingly we postpone the thing from one day to another, and the meetings are rare. In addition to which the body is constantly fluctuating.

1157. Practically under that system of management Mr. Edmunds was the head, and almost the sole head of the office; you hardly controlled him?

We had no control over him at all, no doubt, except in this respect, that when we desired a thing to be done it ought to have been done. Mr. Edmunds apparently objected to that, and seemed to think that the Commissioners had no control over him.

1158. How did it occur that when these defalcations were brought to your notice in 1862 no further inquiry into the state of the office appears to have been taken until complaints made in 1864, and the quarrels between Mr. Edmunds and Mr. Woodcroft?

The inquiry was going on the whole time. We had our first meeting in November 1862, and the inquiry continued into the management of the office, and it was in the beginning of 1863 that we arranged, according to my recollection, about the payment for stamps; but, as I have explained, from the causes I have stated, the action which we took was necessarily dilatory. In 1863 we went on discussing the matter, considering (some of us at least) that it was very desirable, if we could do so, to get rid of the Clerk to the Commissioners of Patents. Then a new matter arose in the long vacation, I think, of 1863, We had given certain directions with respect to some matters with regard to the Exhibition of Patents at the Kensington Museum. Mr. Edmunds had given orders directly the opposite way in the long vacation. Mr. Woodcroft, after the long vacation, made complaints about that; and the question was who was to be obeyed; and I think we put up an order in the office to say that what we did must be obeyed, but I do not know the details of that. Your Lordship will, if necessary, learn the details of that better from others than from me. I mention that for the purpose of showing that the whole thing was going on, and getting from bad to worse, until the beginning of 1864, when I thought that the only cure for it was to get rid of the office of Clerk to the Commissioners of Patents altogether.

1159. Lord *Chelmsford.*] It has been stated that there was some order of Lord Cranworth's that there should be an audit of the accounts of the Clerk to the Commissioners of Patents by the Commissioners themselves. Do you know of any such order?

No.

1160. It has been said that the Lord Chancellor has neglected his duty in this respect; that is why I ask the question?

No; I never heard of such an order. Lord Cranworth mentioned it to me at the Judicial Committee. He asked me if I recollected it. I said, no, I did not; and I was satisfied that he had made no such order; and in point of fact, consistently with the performance of our regular duties we should not have the time, we could not do it, because

because the mere looking at a paper of accounts is worth nothing, unless you examine the vouchers; and we really have not the time to audit them properly.

1161. The letter of the 23d of July 1863 has been handed in. The next in this series is a letter of the 22d of April. Will you hand in that letter?

If your Lordship wishes to do this formally, you must permit me to say that I do not know that these are exact copies of the originals.

1162. The Lord Chancellor has had them printed, therefore we will assume them to be correct; assume that they are correct copies. Will you put in the letter of the 22d of April?

Yes.

The same was handed in, and is as follows:

"1, Upper Hyde Park Gardens, W.

My dear Master of the Rolls, April 22.

I fear I must trouble you to prepare a letter of instructions to Messrs. Greenwood and Hindmarch, to whom, with your concurrence, I have spoken, as to their making a searching inquiry into the charges against Mr. Edmunds, his conduct of the Patent Office, his treatment of the subordinates, and the amount of his average annual attendance at the office, the duties he has to discharge there, and whether the nature of the business and the public advantage require that his office shall be continued, or that it shall be consolidated with some other office, and not retained in its present form. The two investigators must also examine any counter charges which Mr. Edmunds may bring against Mr. Woodcroft.

The examiners should, I think, also be requested to inquire into the duties discharged by the present staff of officers, for the purpose of reporting whether, in their judgment, the arrangement is a good one, or whether any alteration shall, in their opinion, be made.

But you will no doubt define more accurately than in this note the extent of the investigation.

It should not, I think, be made too lengthy or laborious. Perhaps I have already indicated too much. Then comes the question, how are we to pay these gentlemen?

If they are occupied, as they must be, at least eight or ten days, I think one hundred guineas each not too much. What is your opinion? I will write to the Treasury.

My time is so incessantly occupied, and my health has been so indifferent, that some time has been lost; but if you will kindly send me your proposed form of instructions it shall be immediately attended to.

Pray tell me, what, on examination of the cause paper, can, in your opinion, be best done.

Yours sincerely,

WESTBURY."

1163. The next is the letter of the 23d of April?

Yes. That refers to what I have been stating to your Lordships.

1164. Will you hand it in?

Yes.

The same is handed in, and is as follows:

"1, Upper Hyde Park Gardens, W.

My dear Master of the Rolls, April 23.

Why do you think that any Commission issued by the Treasury would have more power than inquirers appointed by ourselves? I am not aware that it would be so. It will not be necessary to take evidence on oath. The persons appointed will soon arrive at a conclusion. As to papers, we would order the production. If it were consistent with our position to go there personally, I do not think we should be occupied more than one day.

If we do not employ these gentlemen, whose Report would give occasion and reason for what we do, I see no alternative but that of appointing a meeting of the Commissioners on the first day after this term, at ten in the morning, at my room at the House of Lords, and giving due notice at once to Mr. Edmunds, Mr. Woodcroft, and such other persons as we may deem necessary to attend at that time, and then and there to hear and decide the case in a regular and formal manner.

Right Hon. Sir J. Romilly.

21st Mar. 1865.

No doubt this would be the most becoming mode of proceeding.

It is possible that a personal visit to the office may be necessary.

If this course be resolved on,—and I should undoubtedly prefer it,—I should wish, with your concurrence, that the following things be done, with a view to the hearing:—

1. To send Mr. Johnson to the office to examine the system of book-keeping and accounts that is followed there.
2. To send all the cases, letters of complaint, and papers relating to this inquiry to Mr. Greenwood (or Mr. Johnson, as you think best), with instructions to extract the several charges and counter charges, and material subjects of inquiry; making, in fact, a short analysis of the case.

   This will enable us to state at once to the parties *what are the charges and subjects we propose to inquire into.*

   A clerk from the Patent Office may be placed at Mr. Johnson's disposal.
3. I should like Mr. Johnson (or Mr. Greenwood, as the case may be), and also a short-hand writer, to attend the inquiry.

If the Patent Commission were not still sitting, and therefore to a certain extent paralysing all other action, I should feel that I was open to the charge of inattention for leaving matters in their present state. But one of the duties of that Commission is to inquire into our office, and I regret much that their report has been so long delayed.

I return you the Memorial. Certainly they manage these things better in the United States.

Yours sincerely,
(Signed) WESTBURY."

1165. Lord *Chelmsford.*] There is a third letter at the top of page 3, dated 24th June. I observe in that letter it is said, "Mr. Edmunds was very anxious that I should "sign the accompanying paper." Do you recollect what that paper was?

I think it was a paper stating that he resigned, and that he had fulfilled the duties of the office to our entire satisfaction, or something to that effect. I am pretty certain that that was the effect of it, although I do not remember the words. I have not got the paper.

1166. Will you hand it in?

Yes.

The same is handed in as follows:

"My dear Master of the Rolls,

Mr. Edmunds has come to me to state his great anxiety to resign immediately his two offices of Clerk of the Patents and Clerk to the Commissioners.

I am a little surprised at this sudden and extreme anxiety. Are you aware of anything having been done by Messrs. Greenwood and Hindmarch that may have led to it?

Mr. Edmunds was very anxious that I should sign the accompanying paper, which I declined to do until you had seen it.

I am very anxious to ascertain (if possible), for the use of the Committee on Bankruptcy, the average expense (per centum) of administering the estate of a deceased person in Chancery, and I shall be obliged if you will allow one of your Chief Clerks to communicate with Mr. Moffatt, M.P., the Chairman, on the subject.

Many thanks for your letter respecting the Touraine Archives.

Yours sincerely,
(Signed) WESTBURY.

June 24th."

1167. Then the next letter is dated July 15th?

Yes.

1168. Will you read it?

Yes.

The same is handed in, and is as follows:

"My dear Master of the Rolls, July 15.

The Report of Mr. Greenwood and Mr. Hindmarch respecting the conduct of Mr. Edmunds is a statement that requires the immediate attention of the Commissioners.

I did not receive it until yesterday.

I would

I would have appointed a meeting to-morrow (Saturday) afternoon, but that on my reaching home I found a summons to the Cabinet at three o'clock. *Right Hon. Sir J. Romilly.*

I must fix four o'clock, at my room at Westminster, on Monday next, if that is not inconvenient to you. 21st Mar. 1865.

Believe me,
Yours sincerely,
(Signed) WESTBURY.

The Master of the Rolls."

1169. Are both the letters which you first put in previous to the 29th of July?
The first is on the 29th of July, and the next a day or two afterwards; it is not dated. It begins, "In conformity with an agreement I have accepted Mr. Edmunds' resigna- "tion." I think it was an immediate answer to the letters which I wrote in reply to the letters of the 29th.

1170. Lord *Chelmsford.*] Then there is a letter of the 29th of November?
Yes; that is correct.

1171. Will you hand it in?
Yes.

The same is handed in, and is as follows:

"1, Upper Hyde Park Gardens, W.,
My dear Master of the Rolls, November 29.

Every day adds to my anxiety about the state of the Patent Office.

It is most necessary that Mr. Ruscoe should be discharged; but matters have been brought into so much difficulty that I feel he cannot be dealt with until we have received a specific statement of his demerits or delinquencies, for I much fear the latter word is the more appropriate. I have been urging our inspectors to make this Report during the last month, but have not yet succeeded in obtaining it. It is promised during the present week.

In consequence of directions I gave Mr. Woodcroft he has sent me the letter which I enclose.

It adds new grounds for the gravest suspicions with respect to Mr. Ruscoe, and I think the proper course would be (unless the Report be received during this week) at once to suspend Mr. Ruscoe from further action.

Be so good as to give me your opinion.

Yours sincerely,
WESTBURY.

The Master of the Rolls."

Mr. LEONARD EDMUNDS is called in, and makes the following application:

I have to ask your Lordships for an order for Mr. Pemberton Gipps and Mr. Hooper, the accountants, and Mr. Ruscoe, to attend with me in Committee Room B. of this House at 11 o'clock to-morrow, Wednesday the 22d of March, and that Mr. Gipps shall be ordered to bring with him all the fee books and docket books, and submit them to the free examination of myself and Mr. Hooper, with any explanations that may be required, and that such books shall be afterwards deposited with the clerk of this Committee. *Mr. L. Edmunds.*

[The witness is directed to withdraw, and on being again called in is informed by the Chairman, That the Committee have determined that they cannot accede to his application.]

Mr. JAMES LEMAN is called in, and having been sworn, is examined as follows:

1172. *Chairman.*] I believe you have acted as solicitor to Mr. Leonard Edmunds? *Mr. J. Leman.*
Yes, I have, ever since the 27th of July. That was the first that I ever heard of this matter.

1173. July the 27th of what year?
The 27th of July last year, 1864. I had thought it might be of service if I made a sort of memorandum of dates and other particulars.

Mr. J. Leman.
1st Mar. 1865.

1174. Is that the first time you have acted as his solicitor?
Yes. He has been a very old friend of mine. I have known him upwards of 45 years.

1175. But you have never acted professionally for him before July of last year?
I am not aware that he has had any business requiring professional assistance before.

1176. He stated in one of his examinations that he had given you money to invest for him, upon which you had paid him interest. Was that the case?
Yes, that was so; but that was rather for the benefit of other persons than of himself. He brought the money to me. He lent it to me, in fact.

1177. That was not professional assistance?
I did not consider it so. He has been a personal friend of mine for 45 years.

1178. Lord *Panmure.*] He was a clerk in your office originally, was not he?
Yes; he was a clerk in my office. He was introduced to me by Mr. James Brougham.

1179. Lord *Chelmsford.*] I suppose Mr. Edmunds came to you on the 27th of July in consequence of the letter from the Lord Chancellor's Secretary, requiring him to appear before the Lord Chancellor and the Vice-Chancellors on Monday the 1st of August?
Yes, precisely so; before that I had heard nothing of the circumstances; not even what was going on at the Patent Office. I understood that some examination had been going on for some time at the Patent Office, but I knew nothing of it until after the Report came out, and then Mr. Edmunds brought the Report to me, and asked me to read it.

1180. I believe Mr. Edmunds was desirous of attending that inquiry by counsel?
I asked the Lord Chancellor myself if counsel would be allowed to attend, and the Lord Chancellor said "No." That was on the Wednesday. I saw the Lord Chancellor on the Wednesday, and one of the preliminary questions that I put to the Lord Chancellor was, whether counsel would be allowed to Mr. Edmunds upon his attending before the two Vice-Chancellors and himself, and the Lord Chancellor replied "No."

1181. Earl of *Clarendon.*] What date was that Wednesday?
It must have been the 29th of July, I think; it was in truth the Wednesday before the day appointed for the hearing.

1182. *Chairman.*] Was it by your advice that Mr. Edmunds resigned his offices?
It was.

1183. When did you give him that advice?
I gave him that advice as soon as I had read the Report, and saw the rapid way in which the proceedings were to be taken before the Lord Chancellor and the two Vice-Chancellors.

1184. You gave the advice as soon as you read the Report?
I gave the advice as soon as I read the Report. It was a very highly coloured Report, I thought; drawn up very strongly against him; and I saw that there were admissions that he had made, and I certainly advised him to resign.

1185. Then you were aware of his being cited to appear before the Lord Chancellor and the two Vice-Chancellors?
Certainly. The letter of the Lord Chancellor and the Report came to me together.

1186. Lord *Stanley of Alderley.*] Then did you give him that advice to resign upon reading the Report and seeing his admissions, and before the Lord Chancellor had informed you that counsel would not be allowed to attend?
No; it was after I was informed that counsel would not be allowed to attend.

1187. Then the advice that you gave was in consequence of what you had seen in the Report, and not in consequence of what the Lord Chancellor had said, that counsel would not be allowed to attend?
Probably both operated upon me.

1188. *Chairman.*] Do you remember when you first saw the Report?
It was on Tuesday the 26th of July, I think, I first saw the Report.

1189. Upon what day was it that you gave Mr. Edmunds the advice to resign?
It was on the Wednesday. The Lord Chancellor was rather anxious that I should give a reply at once, because he did not wish to give the two Vice-Chancellors the trouble of coming

coming unnecessarily; he wanted an answer in order that he might give them notice. I think there was a letter to that effect.

1190. Lord *Chelmsford.*] It is the letter of the 30th of July 1864. I will read it to you.—" The Lord Chancellor directed me to say that Mr. Leonard Edmunds must give " the proposed undertaking in writing, signed by him, and witnessed by yourself, and " that it must be concluded before one o'clock to-day, in order that his Lordship may " give notice to the Vice-Chancellor that the inquiry on Monday is not to be proceeded " with. If this is not done the matter must proceed."

Yes; that is the letter I referred to.

1191. In consequence of the advice you gave to Mr. Edmunds, did he desire you to see the Lord Chancellor?

He did.

1192. Did you see the Lord Chancellor?

I did.

1193. What passed between you and the Lord Chancellor on that occasion?

The question of his resignation was discussed by the Lord Chancellor with me. His Lordship told me very much what he said in his letter. I accordingly got those documents prepared. I witnessed them myself, and sent them to the Lord Chancellor.

1194. Earl of *Derby.*] Did you make any application, or did Mr. Edmunds desire that any application should be made, for any extension of time?

He did not. The time was fixed, and he was summoned to attend. He thought it was a peremptory summons. The application for counsel was refused.

1195. Lord *Chelmsford.*] At the first interview you had with the Lord Chancellor did anything take place upon the subject of the charges against Mr. Edmunds respecting the discounts?

Yes. The Lord Chancellor expressly said, with respect to the charge relating to the discounts, that he thought there was nothing in it, and that I need not draw Mr. Edmunds' attention to it. I do not like to speak quite positively upon that point, but I think his Lordship said that he had consulted the officers of the revenue. I speak that doubtingly. I mean the officers employed in the distribution of stamps.

1196. Earl of *Clarendon.*] Did the Lord Chancellor imply to you that he was aware that Mr. Edmunds had advanced the money out of his own pocket, or that he had advanced it out of the public funds?

I do not think that he adverted to that at all. I had seen the Report, and the letter of charges from the Lord Chancellor, at the time in which it is noticed. I think it is stated that it was advanced in part out of the public funds.

1197. You say that the question of Mr. Edmunds' resignation was discussed between the Lord Chancellor and yourself; did you tell the Lord Chancellor that you had recommended him to resign?

I think I did.

1198. With reference to the Report?

With reference to the Report, and the rapidity with which he was called upon to answer the charges; in fact I immediately advised him to resign.

1199. Lord *Stanley of Alderley.*] I think you stated just now, with reference to the rapidity with which he was called upon to answer the charges, that Mr. Edmunds did not ask for further time?

He did not ask for further time, but he asked that he might be allowed to appear by counsel.

1200. Lord *Taunton.*] Did you complain to the Lord Chancellor of the shortness of period that was allowed?

No. I did not think that I had any right to complain.

1201. On the part of your client, did you not consider that you might have stated that a hardship was inflicted upon you by so short a time being allowed?

No, I did not.

1202. *Chairman.*] I dare say I misunderstood you, but I think you stated just now that you had advised Mr. Edmunds to resign upon the three grounds, of the shortness of time, the want of counsel, and the effect produced upon you by the Preliminary Report?

They all operated upon me.

Mr. J. Leman.
1st Mar. 1865.

1203. But I understood you, in answer to Lord Stanley of Alderley, just now, to state that you informed the Lord Chancellor that you had already advised Mr. Edmunds to resign?
Yes; I have no doubt that when I saw the Lord Chancellor I told him so.

1204. In that case how could your advice to Mr. Edmunds be at all based upon the refusal on the part of the Lord Chancellor to hear counsel, which took place subsequent to the advice being given?
I had read the Report, and I thought the Report very strong against Mr. Edmunds.

1205. Then your first advice to Mr. Edmunds to resign was based upon the Report, and not upon the refusal to hear counsel?
I think I said just now that it was upon all grounds.

1206. When you first gave that advice you were not aware of all the grounds that you now state as your reasons for advising Mr. Edmunds to resign?
I was not aware of that particular ground of the refusal to hear counsel, because of course I had not seen the Lord Chancellor; but the other reasons operated with me; and then I asked the Lord Chancellor whether counsel might attend; and he refused it.

1207. Lord *Stanley of Alderley.*] Then in point of fact your advice in the first instance was given without reference to the non-hearing of counsel?
Yes.

1208. Lord *Taunton.*] Did you make any attempt to induce the Lord Chancellor to allow counsel to be heard?
No, I did not.

1209. You did not further advert to the subject?
No.

1210. Lord *Chelmsford.*] After the first interview with the Lord Chancellor, in which he said that you need not trouble yourself about the discounts, you received that letter from the Lord Chancellor's secretary, dated 29th of July 1864, which has been already put in by Mr. Edmunds, intimating that he would take the opinion of Lord Cranworth and Lord Kingsdown?
Yes, in which he said that he would take the opinion of Lord Cranworth and Lord Kingsdown.

1211. Then did you in answer write the letter of July 30th, 1864, which has also been put in by Mr. Edmunds, hoping that his Lordship "will not think it right to take the "opinion of Lord Cranworth and Lord Kingsdown?"
Yes; that he would delay taking their opinion until Mr. Edmunds' reply to the Report of Messrs. Greenwood and Hindmarch.

1212. Lord *Stanley of Alderley.*] It does not say "delay." It says, "Mr. Edmunds "hopes, however, that your Lordship will think it right not to take the opinion of Lord "Cranworth and Lord Kingsdown," and so on?
Yes.

1213. Earl of *Clarendon.*] That was with reference to the Reading Clerkship?
Yes; that is quite true; it was entirely with reference to the Reading Clerkship.

1214. It had nothing to do with the office of Clerk of the Patents at all?
No; that matter was complete at that time.

1215. Lord *Chelmsford.*] I see that the resignation of Mr. Edmunds was witnessed by yourself. Do you recollect when it was sent to the Lord Chancellor?
No; but I sent a letter from myself to accompany it.

1216. Earl of *Clarendon.*] It was enclosed in your letter?
Yes.

1217. Lord *Chelmsford.*] It was enclosed, I suppose, in this letter of the 30th of July, in which you say that "he forthwith surrenders his office"?
Yes; that was the day on which the resignation was made.

The Witness is directed to withdraw.

Mr. LEONARD EDMUNDS is again called in, and further examined, as follows: Mr. L. Edmunds. 21st Mar. 1865.

1218. *Chairman.*] Will you be so good as to state now what passed with regard to your resignation of the office of Reading Clerk to the House of Lords?

If your Lordships will allow me, I will read from some notes which I have made, and which are in fact a sort of narrative. The negotiations with the Lord Chancellor touching the proposed resignation of the table in the House of Lords and the pension were conducted entirely by Mr. Leman. I never saw the Lord Chancellor on the subject. Mr. Leman saw the Lord Chancellor on several occasions on the subject in November last, in February last, and in the present month of March. Mr. Leman made unreserved communications to me of all that passed at each interview between him and the Lord Chancellor on the subject of the resignation and the pension, with the one exception of that which passed between him and the Lord Chancellor on Saturday the 4th of February; that communication at the time Mr. Leman did not communicate to me, assigning as a reason, that he was desired by the Lord Chancellor not to say anything to me on the subject. Mr. Leman has, however, since communicated to me that which passed between him and the Lord Chancellor at the interview in question (on the 4th February), as to the resignation and pension. He has also communicated to me that the Lord Chancellor desired him (at the interview on the 4th of February) not to communicate anything to me, "for I would go about saying that he wanted the place for "his son." I never had the shadow of a doubt that the Lord Chancellor had undertaken and promised to Mr. Leman, and more than once, that if the resignation was made, he, the Lord Chancellor, would throw no obstacles in the way of the pension. I had also read the Lord Chancellor's written promise to Mr. William Brougham, communicated by Mr. William Brougham to Mr. Leman by letter, dated the 6th November last. I relied on the Lord Chancellor's assurances as to the pension, for the resignation, without such assurances, would have been impossible.

1219. What was the written promise made to Mr. William Brougham?

I propose to state that hereafter in my narrative.

1220. Lord *Stanley of Alderley.*] Do you mean to put in Mr. William Brougham's letter?

Mr. Leman has possession of Mr. William Brougham's letter.

1221. Lord *Chelmsford.*] Will you have the kindness to confine yourself to matters within your own personal knowledge. It is very important that you should do so. I will now put a general question to you, to be a guide to the inquiry. Did you see anybody at all, and when, upon the subject of your resignation of the office of Reading Clerk?

Only Mr. Leman.

1222. Nobody else?

Nobody else.

1223. Lord *Stanley of Alderley.*] This letter from Mr. William Brougham was addressed to you, was it not?

No; it was addressed to Mr. Leman; but it has been in my possession ever since, until within the last week or two, when I gave it back to Mr. Leman.

1224. Lord *Chelmsford.*] I do not ask you about seeing the Lord Chancellor upon the subject, but did you see any person. Did any person come to you upon the subject of your resignation of the office of Reading Clerk?

I presume your Lordship means from the Lord Chancellor.

1225. From anybody?

No. There has been much conversation about it. I spoke upon the subject with friends, but no one coming direct from the Lord Chancellor. No one of the Lord Chancellor's people, as it might be said.

1226. *Chairman.*] No one authorized or acting on behalf of the Lord Chancellor had any communication with you upon the subject, except Mr. Leman?

Not any direct communication.

1227. Earl of *Derby.*] You have referred just now to a letter from Mr. William Brougham to Mr. Leman?

Yes.

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1228. Was it for communication to you?
Yes; it was for communication to me. It was written, in fact, for me.

1229. Besides that letter, have you had any personal communication with Mr. William Brougham?
None whatever.

1230. Lord *Panmure.*] Did that letter from Mr. William Brougham, dated the 6th of November, refer to your resignation of the Reading Clerkship?
Yes.

1231. Earl of *Derby.*] Mr. Leman will put these letters in, will he not?
Yes; he will hereafter put them all in; but it is impossible to make my narrative intelligible unless I am allowed to refer to those letters as I go on.

1232. Lord *Chelmsford.*] The Committee cannot hear what you have merely heard from others. We want to know what you know of your own personal knowledge with regard to the resignation of the office of Reading Clerk?
I will go on with my narrative. I think that will be the simplest plan.

1233. *Chairman.*] Have you anything to state to the Committee upon the subject of the resignation of the office of Reading Clerk in the House of Lords, excepting what has passed between you and Mr. Leman?
Yes. What passed between me and Mr. Leman is a part of the story. I cannot tell my story at all unless I mention the reasons and the inducements for the course I have taken. I relied upon the Lord Chancellor's assurances as to the pension, for the resignation, without such assurances, would have been impossible.

1234. Duke of *Somerset.*] Those assurances were given to you by Mr. Leman, were they not?
They were conveyed to me by Mr. Leman. I was, however, always most decidedly opposed to the resignation. I always maintained that it was a most dangerous step; that I could place no reliance on promises that it would not avoid inquiry or revelations; that on the contrary the circumstances attending such resignation, and the appointment of the son of the Lord Chancellor to the place, would in themselves force parliamentary inquiry.

1235. *Chairman.*] Did Mr. Leman give you contrary advice. Did Mr. Leman advise you to resign?
You will perceive that I state that hereafter. Mr. Leman did from time to time advise me to resign.

1236. Do you remember when he first gave you that advice?
After the first and second interview with the Lord Chancellor on the 4th and 8th of November.

1237. He had not given you any advice of that sort previously to that time?
No, certainly not; not before those two interviews. After that time he began to advise me. I cannot say that he decidedly advised me to resign, but he advised me to entertain the question.

1238. Lord *Taunton.*] Are you speaking of the resignation of the office of Clerk of the Patents?
No; the resignation of the office of Reading Clerk in the House of Lords. This narrative deals with the office of Reading Clerk in the House of Lords. The negotiations with the Lord Chancellor on the subject of the resignation and pension commenced at some day very shortly before the 4th of November, Mr. William Brougham having written a private letter, herein-after mentioned, to the Lord Chancellor about that date. I had determined up to the 4th February, Parliament meeting on the 7th, that no arguments and no pressure should induce me to resign, and I so constantly and decidedly expressed myself to Mr. Leman. Mr. Leman's arguments, however, at that time began to prevail,—to induce me to waver,—and on the 4th I most reluctantly permitted him to convey the memorandum of that date herein-after set out to the Lord Chancellor, reserving, however, to myself the right of retracting at the last moment if I should think proper. I did not consider that paper to fix me beyond the power of retractation, and so evidently thought the Lord Chancellor. Hence the threat conveyed to Mr. Leman on the 13th of February forcing the resignation.

1239. Earl of *Clarendon.*] What is that letter in which you reserve to yourself the power of retracting the resignation?
It is not a letter.

1240. You speak of a letter in which you offered to resign?
It was a written memorandum. I set it out hereafter.

1241. You infer from that that the Lord Chancellor threatened you?
No; not from the paper itself.

1242. You say so thought the Lord Chancellor, because, in order to make the resignation secure, he proceeded to threaten you?
I should wish to withdraw the words "so evidently thought the Lord Chancellor"

1243. What is the letter in which you conveyed your resignation?
The note to which I refer is this.

1244. Earl of *Derby.*] What is the date of it?
The 4th of February 1865. "L. E. proposes to resign the office of Reading Clerk "in the usual manner, namely, a petition to the House to that effect, and asking the House "to grant to him the usual retiring allowance to which he is entitled for his services. "That the petition will be presented on Tuesday at the meeting of the House. To "ask the Lord Chancellor under these circumstances not to move for the Special "Committee; at least to postpone such motion."

1245. Earl of *Clarendon.*] What is there in that letter that you conceived reserved to yourself the power of retracting at the last moment?
This is the memorandum made at the time. Mr. Leman induced me to give him the paper.

1246. Will you have the goodness to answer my question? What was there in that letter that you say reserved to you the power of retracting your resignation at the last moment, with respect to which you afterwards say, "the Lord Chancellor evidently "thought so too"?
I conceive that it did not fix me.

1247. In what part of that letter do you consider that there is a liberty of withdrawing your offer reserved to you?
It says "purposes to resign."

1248. That is offering your resignation; and you then stated the conditions which you annex to it, or rather you state what you expect that the Lord Chancellor will do. In those papers which you insist upon reading through you say, "so evidently thought the "Lord Chancellor," and in consequence of that you were threatened?
No, I did not say that in consequence of that I was threatened.

1249. Duke of *Somerset.*] Was that letter written by you, or was it a letter of Mr. Leman's to the Lord Chancellor?
That paper was written by me.

1250. That paper having been written by you was given to whom?
It was placed in the hands of the Lord Chancellor by Mr. Leman.

1251. The paper was written by you?
It was written by me, with Mr. Leman. Mr. Leman dictated it; it was a memorandum written by me in conference with him.

1252. Earl of *Malmesbury.*] Did you look upon it as a suggestion or as a resignation?
As a suggestion, decidedly; not as fixing me to the resignation, but as a suggestion. I did not consider when I placed that paper in Mr. Leman's hands to communicate to the Lord Chancellor that it was a positive resignation. I could not resign to the Lord Chancellor. The Lord Chancellor had no power to receive my resignation.

1253. Lord *Taunton.*] Did you not consider that as an absolute offer of the resignation?
Not an absolute offer.

1254. In what way is it coupled with conditions?
I conceived, and so I expressed myself to Mr. Leman, that I reserved to myself the power of resignation at the last moment, for the reason that I wished to ascertain

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whether the pension was made certain. I could not resign unless the pension was made certain.

1255. Earl of *Clarendon.*] You say that the Lord Chancellor had no power to accept your resignation. He had still less power to ask your resignation. How could you be made certain that you would have the pension before you resigned?

That will appear from what passed, if your Lordship will allow me to go on with my narrative.

1256. *Chairman.*] You have a right to state what passed between you and Mr. Leman?

Yes, including Mr. Leman's statements to me.

1257. Will you continue your statement?

The two circumstances, however, first the communication of the Lord Chancellor addressed to Mr. Leman upon the 13th of February, which was immediately communicated to me by Mr. Leman, to the effect that if I did not resign before four o'clock on the following day he would lay the Reports upon the table, and move his committee at five o'clock; and, secondly, the important information at the same time communicated to me by Mr. Leman. that the Lord Chancellor had informed him at the same interview, the 13th of February, that he (the Lord Chancellor) had consulted the Government on the case against me, meaning, I could have no doubt, the Cabinet; these circumstances, I say, became the turning point, and I then at the last moment, on the evening of that day, the 13th of February, most reluctantly gave in to the advice and opinion of Mr. Leman, and finally consented to the resignation. I had consulted with Sir John Lefevre, and he assisted and settled with me the form of the petition of resignation. I gave the petition of resignation to Sir John on the morning of Tuesday the 14th, and he conveyed it to the Lord Chancellor at the time prescribed by the Lord Chancellor, before five o'clock.

1258. At what o'clock did you give it to Sir John Lefevre?

It was about the middle of the day. The form of the petition of resignation had been settled two or three days before that,—at least a day or two before that; between Sir John Lefevre and myself. I believe I gave the resignation itself, signed, to Sir John Lefevre, about the middle of that same day, Tuesday. At what time Sir John Lefevre conveyed it to the Lord Chancellor I cannot say, but it was certainly before five o'clock, because at five o'clock the Lord Chancellor presented it to the House. It was all done upon that day. I concluded that my prosecution, if I may use such a term, by the Lord Chancellor, had become a Government question, from the statement that the accusations against me had been communicated to the Cabinet. I concluded, therefore, that I should find arrayed against me the Lord Chancellor himself, the force of the Government, the law officers instructed by the Lord Chancellor, and what I may fairly call the persecutions of Messrs. Greenwood and Hindmarch, eagerly and unscrupulously distorting every error into a crime of the first magnitude, as indicated by the tone of their several Reports, and the numerous unfounded allegations therein contained. It was argued, and I felt that I could have little chance against such a formidable array.

1259. Lord *Taunton.*] Argued by whom?

It was argued by Mr. Leman. I may say that every other friend, indeed every one whom I have consulted upon the subject, advised me in the opposite direction, that is to say, not to resign. I believed that the pension had been made safe, and that I had better take that than run the risk of losing both office and pension. Subsequent events have shown, that, unfortunately for me, and perhaps for others, I was right in what had been designated extreme obstinacy. I have lost the office, and am now upon my trial to defend the pension with the same formidable array against me. I consider that I have been driven out under threats and broken promises.

1260. Lord *Stanley of Alderley.*] What do you consider the broken promises?

As to the pension. The pension has been attacked by the Lord Chancellor in Parliament; at least according to the newspapers. From what I have read in the newspapers, the Lord Chancellor has attacked it. However, perhaps I had better withdraw the words broken promises, and stop at the words "I have been driven out." Mr. Leman had an interview with the Lord Chancellor, by his Lordship's appointment, as I was informed by Mr. Leman, the 4th of November last, in Lincoln's Inn. On that occasion the Lord Chancellor informed Mr. Leman that he had received a letter from Mr. William Brougham, proposing that I should resign the table of the House of Lords, and asking him (the Lord Chancellor) to help me to a pension. Mr. Leman expressed astonishment at this communication,

munication, as Mr. Leman informed me, and declared that "such letter had been written without the concurrence of either Mr. Edmunds or himself," and that Mr. Brougham had never consulted with or communicated any such letter to either the one or the other. A communication was immediately made to Mr. William Brougham, through Mr. Miller, a Registrar of the Court of Bankruptcy, who had been acting as a confidant or agent of Mr. William Brougham.

1261. Earl of *Derby.*] By whom was the communication made?

It was made by Mr. Leman, through Mr. Miller. I authorized this communication; it was made through Mr. Miller, a Registrar of the Court of Bankruptcy, who had been acting as a confidant or agent of Mr. William Brougham in his negotiations with Mr. Leman and myself, on the questions that were ultimately referred to Lord Cranworth, complaining of the letter in question, and of his having made so mischievous and compromising an offer to the Lord Chancellor, secretly, and entirely without the concurrence of either Mr. Leman or myself. Mr. William Brougham wrote immediately to Mr. Leman in exculpation or explanation of his conduct. The following is an extract from his letter; that letter I have had in my possession. Mr. Leman passed it to me.

1262. Earl of *Derby.*] You say that Mr. Leman has that letter?

Mr. Leman has that letter.

1263. Lord *Chelmsford.*] We will have the whole letter; not an extract.

The whole letter will be put in by Mr. Leman.

1264. Do not read an extract, if Mr. Leman will put in the letter.

I propose to read such portions of that letter which refer to the question of resignation or pension. The letter will be put in by Mr. Leman. I would beg to refer your Lordships to the portion of that letter commencing, "It appeared to me "that by suggesting to the Lord Chancellor a quiet resignation he would at once help "on the pension question, because he would then get the place for his son without any "stir on his own part. I wrote to him, 'If you think, looking to all the circumstances "'of the case, that Mr. E.'s wisest course is to resign, and petition the Parliament "'Office Committee to be allowed to retire upon a pension, and if you will do what "'you can to help him, I will advise him to resign.' His answer was, that it was not "for him to offer an opinion."

1265. Earl of *Clarendon.*] Whose answer was that?

This is Mr. Brougham's letter.

1266. When you say "his," whom do you mean?

It means the Lord Chancellor, no doubt. "His answer was, that it was not for him to "offer an opinion, but that if Mr. E. resigns I will do all I can, with propriety, to "obtain for him a pension, and I can certify with truth that he has perfectly well "performed all the duties of the office he holds in the Lords." Mr. Brougham thus first started the question of the resignation and pension with the Lord Chancellor on the 1st of November or thereabouts. This letter is dated the 6th of November.

1267. Why did Mr. William Brougham start the question of your resigning an office which you had no intention of giving up?

He started it on the 1st of November or thereabouts, unknown to me or to Mr. Leman, on his own account, and for reasons of his own.

1268. When you say "his own" you mean Mr. Brougham's?

Yes. I must state that at that date I was at war with Mr. William Brougham upon other subjects. I had no communication, and had had none for many weeks, with him. Mr. Miller has been in communication with the Lord Chancellor since that date on the part of Mr. William Brougham, but not on my part, or at my request in any shape. Mr. Miller has also, since the 1st of November, been in constant communication with Mr. Leman on the same subject. Mr. Leman had a second interview with the Lord Chancellor on the 8th of November, four days later, as I was informed by Mr. Leman at the time. On that occasion the Lord Chancellor stated to Mr. Leman, as I was also informed by Mr. Leman, that "if the resignation was made he would throw "no obstacle in the way of the retiring pension in the House of Lords." Mr. Leman had another interview with the Lord Chancellor at Hyde Park Gardens on Saturday the 4th of February, and on that occasion Mr. Leman placed the following paper in the Lord Chancellor's hand. That paper has already been read, and is upon the Minutes;

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it is the letter in which the words "proposes to resign" occur. The Lord Chancellor read my paper, and returned it to Mr. Leman, at the same time stating, as I was informed by Mr. Leman, that "if the resignation of Mr. Edmunds' office was given in on "or before Friday (then next) he should be satisfied, and would offer no obstacles to "Mr. Edmunds obtaining his retiring allowance." In answer to Mr. Leman's inquiry at the same interview (on the 4th of February), whether Mr. Edmunds should attend in his place at the opening of Parliament the following Tuesday, the Lord Chancellor stated that, "he should take no notice of his appearance there." Mr. Leman wrote to the Lord Chancellor on Monday the 6th of February, requesting him to extend the time from Friday to the following Monday or Tuesday, to enable him Mr. Leman to get a reply to a letter from abroad; and this is the Lord Chancellor's answer, dated the 6th of February 1865.

1269. Lord *Panmure.*] Has that letter been handed in?

Mr. Leman has got the letter. He will hand it in. It is from the Lord Chancellor's Secretary. "1, Upper Hyde Park Gardens, 6th February 1865, Dear Sir, the Lord "Chancellor desires me to say that he is willing to postpone action in the House until "Monday next, but his Lordship cannot approve of Mr. Edmunds attending the "House in the interval; so you had better take care that he does not do so. (Signed) "Augustus B. Abraham, and addressed to James Leman, Esquire." The above letter reached my hands at 12 o'clock on the 7th (the day of the meeting of Parliament). It was read by me and by Mr. Leman as a positive order not to attend, and consequently I did not appear at the table. I may remark that the Lord Chancellor has no power to dismiss or to suspend any officer of the House of any description. Mr. Leman had an interview with the Lord Chancellor in his Lordship's private room at the House of Lords on Monday the 13th of February. The Lord Chancellor stated to Mr. Leman at that interview, "if Mr. Edmunds' resignation is not in the hands "of Sir John Lefevre by 4 o'clock to-morrow, I will lay the papers on the table of the "House, and move my Committee." The Lord Chancellor on the same day, the 13th of February, also stated to Mr. Leman, "that he had laid the matter before the "Government." On Tuesday the 7th of March, the Lord Chancellor, through his secretary Mr. Abraham, requested Mr. Leman to attend at the House of Lords on that day between 3 and 4 o'clock. Mr. Leman attended accordingly, and was called into his Lordship's private room, where he found the Lord Chancellor, Lord Granville, and Sir John Lefevre (as Mr. Leman informed me). The Lord Chancellor asked Mr. Leman, as Mr. Leman informed me, "Who told you that if Mr. Edmunds' "resignation was not in Sir John Lefevre's hands on the next day by 4 o'clock "I would lay the reports against Mr. Edmunds on the table of the House, and move "for the Committee on that same day?" Mr. Leman replied, "Your Lordship your-"self told me so." Upon which the Lord Chancellor asked, "Where?" Mr. Leman replied, "In this room, my Lord." The following is the copy of a letter from Mr. Leman to the Lord Chancellor: "March 9th, 1865, My Lord, in consequence "of what passed at the House of Lords the other evening, I feel it due to your "Lordship, as well as to myself, to recal to your recollection,"—

1270. Lord *Chelmsford.*] This is personal between Mr. Leman and the Lord Chancellor. You are no party to that at all?

Then Mr. Leman will put this letter in. The following is a copy of a letter from Mr. Abraham to Mr. Leman. I had better omit that also. After that I have a copy of a letter from Mr. Leman to Mr. Abraham, which I had better pass over in the same way. I have nothing more to say.

1271. Earl of *Derby.*] Then the Committee are to understand that in tendering your resignation you acted upon the advice of Mr. Leman, and in full expectation that by so tendering it you would obtain a pension without further inquiry or difficulty?

Certainly.

1272. That was the impression under which you gave in your resignation?

That was my information; that the pension was absolutely certain.

1273. Lord *Taunton.*] But still you knew at the time that it must be referred to a Committee of the House of Lords?

Of course I knew that; but I had no doubt whatever that the Lord Chancellor had made the pension safe.

1274. Earl of *Clarendon.*] You must have been aware that the Lord Chancellor had no

no power to grant a pension. You must have known that it could only depend on the Committee. What do you mean then by saying that you had no doubt whatever that the Lord Chancellor had made it "safe?"

By abstaining from any interference with that Committee, as he promised, I considered that he had undoubtedly promised to abstain from any interference.

1275. The only way in which it was made safe was by the Lord Chancellor abstaining from making known to the Committee your proceedings in the Patent Office?

I will say "made certain," instead of "safe," then.

1276. *Chairman.*] How is your statement that you considered that the pension was made safe consistent with the former statement you made that you were very averse to this resignation, because you had no doubt that it would not end there, but you felt certain that further inquiries would take place?

That was my argument with Mr. Leman, but I was overborne at last.

The witness is directed to withdraw.

Mr. JAMES LEMAN is again called in, and further examined as follows:

Mr. J. Leman.

1277. *Chairman.*] The Committee wish to examine you now upon another branch of the inquiry.

Perhaps your Lordships will permit me to explain, in order to prevent any misunderstanding, that since I have left the room it has occurred to me that before I advised Mr. Edmunds to resign the offices of Clerk of the Patents and Clerk to the Commissioners of Patents I had received from the Lord Chancellor his decision that no counsel should be allowed to attend, and therefore that must have operated upon my mind. I think your Lordships asked me some question, the effect of which was rather to confuse it, but I have since looked at my memoranda and I find that I saw the Report upon the 26th of July, and Mr. Edmunds' resignation was not sent in till the 30th, and during that time of course I had to advise Mr. Edmunds.

1278. Then you were incorrect in your former statement. You remember I asked the question whether you advised Mr. Edmunds to resign immediately upon reading the Report?

I was incorrect in that I advised him to resign, but of course I could only advise him subject to his own better judgment if he chose to exercise it. Your Lordship has no doubt read the Report. Supposing it were correct in all its parts, could I do otherwise?

1279. I am not in the least disputing whether you were wise, or the contrary, in giving that advice. What I do not quite understand yet is, whether your recollection was wrong as to the statement that as soon as you had read that Report you immediately advised Mr. Edmunds to resign.

I did; I have no doubt about that. I have no doubt that was my impression upon the subject; but the impression was confirmed when, at the interview with the Lord Chancellor, I was told that Mr. Edmunds could not be allowed to have counsel.

1280. But you had already advised him to resign before that interview took place?

Yes, upon the first blush of the thing.

1281. Earl of *Clarendon.*] When you say that that influenced you, did you conceive that Mr. Edmunds, a clerk in an office under the Lord Chancellor, whose conduct had been inquired into, and against whom there had been that Report made, was entitled to be heard by counsel?

I did, unquestionably.

1282. You thought he was entitled to be heard by counsel?

I did, certainly. I think it would be granted to almost any one. I thought it was a great case of hardship.

1283. Lord *Stanley of Alderley.*] Are the Committee to understand that your first impression upon reading the Report was that there was sufficient evidence contained in it to justify you in recommending Mr. Edmunds to resign?

There was no evidence in it at all.

1284. Upon the perusal of the Report was there sufficient in that Report to induce you to recommend Mr. Edmunds to resign?

I think there was no real evidence, however.

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1285. And that impression which you first had upon reading the Report was confirmed by the refusal of the Lord Chancellor to allow counsel to attend?
Yes.

1286. But in the first instance you considered that the Report itself was sufficient to justify you in recommending Mr. Edmunds to resign?
Yes.

1287. And you did give him that advice?
Yes, I think so. I have very little doubt about it

1288. Duke of *Somerset.*] Did you advise Mr. Edmunds in regard to the reply which he offered to the Preliminary Report of Messrs. Greenwood and Hindmarch?
Yes, I did. You will see how rapidly it went on; the Report was only in my hand 24 hours before I saw the Lord Chancellor. I had the advice of counsel in drawing up the reply.

1289. That was the Report given in on the 20th of September 1864?
Mr. Edmunds' answer to the Report. I consulted not only counsel, but Mr. William Brougham was good enough to assist me in the preparation of it.

1290. Mr. William Brougham assisted you?
Yes; he assisted me in the preparation of that answer. I was asked to come down to Brougham, and I took it with me there, and he and I went through it together there.

1291. Viscount *Hutchinson.*] Were not Mr. William Brougham and Mr. Edmunds at variance at that time?
No, not at that time. When I went down to Brougham they were perfectly in accordance.

1292. Earl of *Derby.*] We will leave the question of the Clerk of the Patents and Clerk to the Commissioners of Patents, and proceed to the circumstances attending Mr. Edmunds' resignation of the Reading Clerkship in the House of Lords. You have acted in that matter also as Mr. Edmunds' confidential adviser, have you not?
I have. I take it for granted that I may communicate anything here that I know as Mr. Edmunds' solicitor. As I am his confidential adviser I feel that I should not be at liberty to disclose to your Lordships all that I know, except with his concurrence.

1293. The Committee are quite aware that you are not a voluntary witness. You have been summoned here?
Yes.

1294. Have you had, upon the subject of this resignation, any communication personally or by letter with the Lord Chancellor?
I have had both.

1295. When was the first occasion upon which the subject was broached between you and the Lord Chancellor?
Passing by what I have already stated, it was on the 4th of November that I first saw the Lord Chancellor.

1296. Where did you see him?
His secretary wrote to me to request that I would call upon him on the 4th of November.

1297. Did you call upon him in consequence of that request?
I did.

1298. Where?
In his room in Lincoln's Inn.

1299. That interview took place as, I understand you, by the desire of the Lord Chancellor?
Yes; by the desire of the Lord Chancellor.

1300. What communication did the Lord Chancellor make to you at that interview?
The Lord Chancellor told me that he had received a letter from Mr. William Brougham upon the subject, and he stated to me that in that letter Mr. William Brougham had suggested a resignation.

1301. Do you produce that letter?
I have the letter, but I am in this difficulty which I will state to your Lordships. I wrote to the Lord Chancellor as I shall shortly state, and referred to this letter in the

letter which I addressed to the Lord Chancellor. The Lord Chancellor's secretary replied to me by asking me to produce that letter? I said, I did not think I was justified in producing it without the concurrence of Mr. William Brougham, and therefore I had not sent it in the letter which I addressed to his Lordship. Mr. William Brougham was then at Cannes (I understand that now he is in England). I therefore applied to him for permission to produce it; and I was told by Mr. Miller, one of the registrars of the Court of Bankruptcy, who was acting a great deal for Mr. William Brougham in meeting me upon the subject of this business, that Mr. Brougham did not authorize me to produce it. I have his letter here.

1302. Viscount *Hutchinson.*] Are you solicitor to Mr. William Brougham?
Yes; I acted as solicitor on his son's marriage.

1303. Do you consider that you hold that letter in the capacity of his solicitor?
I cannot say that I do; it was a sort of confidential communication I thought.

1304. Lord *Chelmsford.*] We must ascertain whether that letter is properly admissible or not. Do you hold that letter as the solicitor of Mr. William Brougham?
No, I do not.

1305. Then there is no privilege at all?
If I were to say how I hold that letter I should say that I hold it as the solicitor for Mr. Leonard Edmunds.

1306. Earl of *Derby.*] Mr. Edmunds has already read to us a long extract from it?
He has a copy of the letter. Then I do not know why I should be reticent if that is the case.

1307. Earl of *Clarendon.*] Did you furnish Mr. Edmunds with the letter?
Mr. Edmunds must have had it from me, because, of course, I was bound to communicate, and did communicate, everything that I received upon the subject of these proceedings to Mr. Edmunds.

1308. Mr. Edmunds has read a long extract from that letter to the Committee?
This is the letter that I had from Mr. Miller.

1309. Earl of *Derby.*] You received it from Mr. Miller?
Yes; he wrote from Lord Brougham's house. It was with reference to Mr. William Brougham's objections to my showing any of his letters (as he says) "either to the "Lord Chancellor or to any one else, every one of them being, as you are well aware, "of a strictly confidential nature, and many of them on matters of unusual delicacy."

1310. Lord *Chelmsford.*] There is no privilege as to that particular letter, and the Committee of course would desire to see it?
This is the letter; the date is the 6th of November.

1311. Earl of *Derby.*] Surely that cannot be the date?
Yes, it is.

1312. First of all the Lord Chancellor mentioned to you that he had received a letter from Mr. William Brougham, did he not?
Yes.

1313. He informed you of that upon the 4th of November?
Yes; he informed me of that upon the 4th; but this is a letter from Mr. William Brougham to myself.

1314. I want to know whether you have got, and can produce, the letter from Mr. William Brougham to the Lord Chancellor?
No.

1315. Or the Lord Chancellor's answer to that letter?
I can produce part of it; but I may tell your Lordship that it is quoted in Mr. William Brougham's letter to me.

1316. Before you came to the letter of the 6th, the Lord Chancellor informed you that he had received a letter, did he not?
Yes; a letter from Mr. William Brougham.

1317. And he informed you of course of the substance of the letter?
He did.

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1318. What was the information he gave you as to the substance of the letter which he had received from Mr. William Brougham?

That it contained a suggestion of Mr. Edmunds resigning the office he held in the House of Lords. I said to the Lord Chancellor, "That letter, my Lord, was written without the "concurrence of either Mr. Edmunds or myself, and he had no authority for writing to "your Lordship in the way he did."

1319. Earl of *Clarendon.*] When you said "he" you meant Mr. William Brougham? I meant Mr. William Brougham.

1320. Earl of *Derby.*] Did the Lord Chancellor appear to think it an extraordinary thing that Mr. William Brougham should write to him, suggesting his acceptance of an office held by another person?

I do not think he thought it extraordinary, or he would have told me so. He told me of the letter voluntarily. I had no notion that there was such a letter. He said, "I have received a letter from Mr. William Brougham."

1321. He requested you to call upon him for the purpose of communicating this letter to you; and he did communicate it?

Yes, I think so.

1322. In consequence of that letter was a letter sent by Mr. Edmunds, or on Mr. Edmunds' part, to Mr. William Brougham?

I communicated to Mr. Miller (the gentleman I have referred to before) what I had heard, and expressed my surprise that such a step should have been taken. I conclude that Mr. Miller communicated that to Mr. William Brougham, because on the 6th of November I received from Mr. William Brougham the letter I hold in my hand, and which I will read, as I understand the Committee wish it.

1323. Will you read it?

The same is read as follows:

"My dear Leman, 6th November 1864.

I understand great offence has been taken at my having written to the Lord Chancellor. All I can say is, that I did it in the firm belief that it would save Leonard Edmunds from destruction. I had *certain* knowledge that the Lord Chancellor was not likely to withhold the subject of the Patent Office from the House of Lords, and I was convinced that any discussion in the matter by whomsoever promoted must defeat all hope of a pension. It therefore appeared to me as soon as the above *certain* information reached me, that by suggesting to the Lord Chancellor a quiet resignation he would at once help on the pension question, because he could then get the place for his son without any stir on his part.

I wrote to him, 'If you think, looking at all the circumstances of the case, that Mr. E.'s wisest course is to resign, and petition the Parliamentary Office Committee to be allowed to retire on a pension, and if you will do what you can to help him to a pension, I will advise him to resign.'

His answer was, that it was not for him to offer an opinion, but that 'if Mr. Edmunds 'resigns I will do all I can with propriety to obtain for him a pension; and I can 'certify with truth that he has perfectly well performed all the duties of the office he 'holds in the Lords.'

How then has this step of mine injured him? If you still think he can succeed in retaining his place, nothing will please me more than that he should do so; but I adhere to my opinion that the Lord Chancellor will by hook or by crook stir in the matter, and that it is better policy to make a friend of him by playing into his hands. You must feel that I am as anxious or more anxious than any one, except Leonard Edmunds himself, that he should keep the place in the Lords, rather than get a pension; but my fear is, that in attempting this he will lose all. I hear he is very angry because he, Lord B., has refused to allow his letters to be sent to Grafton Street. In everything connected with Grafton Street Lord Brougham has acted by himself; he was anxious to uphold Leonard Edmunds as long as it was possible, but as soon as he found that public money had been used for private purposes he felt that it was impossible that he should remain an inmate in his house which he then lived in. The world would believe that Lord Brougham approved of him in spite of his misdeeds so long as he called every day for his letters; the world would believe that he was only keeping out of the way for a time, and so long as his property filled rooms there the world would believe he was about to return. I presume it was this conviction that made Lord Brougham act as he did. At all events all that has been done has been Lord Brougham's own doing, and really I cannot wonder at it, but I am much grieved to hear that it has produced such soreness."

1324. *Chair-*

1324. *Chairman.*] With regard to that letter you stated that you were very reluctant to produce it, and that you refused to produce it to the Lord Chancellor when called upon by him to do so, because you had not the permission of Mr. William Brougham to do so?
Yes.

1325. But you stated that you held it as the solicitor of Mr. Edmunds, and that you had his permission to communicate it here?
Yes.

1326. Have you communicated it to any other persons?
No.

1327. To no one?
No. If your Lordship means to the noble Earl, I have not communicated it to him. I was not aware that it was in his Lordship's hands.

1328. You yourself have communicated it to no one except Mr. Edmunds?
Except Mr. Miller. Mr. Miller knows that I have the letter, but he is Mr. William Brougham's own agent.

1329. Earl of *Clarendon.*] We now understand how Mr. William Brougham came to interfere with respect to Mr. Edmunds' place, and his resignation of which we supposed he could have no knowledge; it now appears that you, with Mr. William Brougham, assisted in preparing or drawing up the answer to the Preliminary Report of Messrs. Greenwood and Hindmarch, and that therefore Mr. William Brougham had full knowledge that you yourself had of the inquiry, and of the result of that inquiry?
Yes.

1330. And he, I conclude, inferring from the results of those inquiries that Mr. Edmunds would not be retained in his office in the House of Lords, mooted the question of his resignation to the Lord Chancellor?
That is what I suppose to have been the case.

1331. That is how it came about?
Yes; the answer was prepared by me in London, assisted by counsel, and then at the request of Mr. William Brougham I went down to Brougham in order that he should go through it with me and settle it.

1332. Earl of *Derby.*] After receiving this letter from Mr. William Brougham had you a second interview with the Lord Chancellor?
Yes; I had an interview with the Lord Chancellor.

1333. Duke of *Somerset.*] When you prepared that document and took it down to Brougham Hall to Mr. William Brougham to consult him was Lord Brougham there?
He was.

1334. Was he consulted at all upon the subject?
Not in the least; he came once or twice into the room and gossiped about it, but I never exchanged a word upon the subject with Lord Brougham.

1335. Was he cognizant of the Report and the reply?
I have no means of knowing; I did not make him cognizant of them.

1336. Earl of *Derby.*] You have stated that you had a second interview with the Lord Chancellor?
Yes; on the 8th of November.

1337. That was four days afterwards?
Yes, that was four days afterwards.

1338. Where was it?
It was also in the Lord Chancellor's room.

1339. Was it also by the Lord Chancellor's desire, or by yours?
By the Lord Chancellor's desire.

1340. Will you state what took place between you and the Lord Chancellor on that occasion?
The Lord Chancellor upon that occasion stated distinctly to me,——

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1341. How was the conversation begun?
It was begun in the same way as that on the former day, by Mr. William Brougham's correspondence.

1342. By referring again to this correspondence?
Yes; and the Lord Chancellor then distinctly told me that if Mr. Leonard Edmunds would resign his place he would throw no obstacle in the way of his obtaining a pension.

1343. After the 8th of November, for some time I believe you had no further communication with the Lord Chancellor?
No; I had no further communication with the Lord Chancellor after that interview on the 8th of November until the 4th of February.

1344. That was on a Saturday?
That was on a Saturday; and there also, although I went to the Lord Chancellor on my own motion, I found that the Lord Chancellor had sent in the morning to request that I would call upon him, and therefore, to my great surprise, I found him quite prepared to receive me.

1345. During the period between the 8th of November and the 4th of February did anything pass with regard to the resignation of Mr. Edmunds' office. Had you any communication with any persons? Were any negotiations carried on about it?
No, I do not think there were. Mr. Miller, the gentleman whom I have alluded to before, was constantly pressing upon me that we should put in a resignation.

1346. Earl of *Clarendon.*] Mr. Miller was constantly pressing that upon you, you say?
Yes; Mr. Miller was constantly pressing it upon me.

1347. On the part of Mr. William Brougham?
He was Mr. William Brougham's friend; he is a Registrar of the Court of Bankruptcy.

1348. Lord *Chelmsford.*] He is the Chief Registrar of the Court of Bankruptcy?
Yes.

1349. Earl of *Clarendon.*] As a friend of Mr. William Brougham he was pressing that Mr. Edmunds should resign?
Yes; he had all along wished that the resignation should take place.

1350. Earl of *Derby.*] Then there was nothing that passed between you and the Lord Chancellor between the 8th of November and the 4th of February?
No.

1351. On the 4th of February you had another interview with the Lord Chancellor?
I had an interview with him then at his house at Hyde Park Gardens, and I then took in my hand a paper which Mr. Leonard Edmunds signed, which I have here. This is the paper.

The same is handed in, and is as follows:

"L. E. proposes to resign the office of Reading Clerk in the usual manner; viz.:—a petition to the House to grant to him the usual retiring allowance to which he is entitled for his services.

That the petition will be presented on Tuesday at the meeting of the House.

To ask the Lord Chancellor under these circumstances not to move for the Special Committee, or, at, least to postpone such motion.

4th February 1865. L. E."

That printed paper I handed to the Lord Chancellor when I went into his room, and he read it.

1352. That paper contains these words "not to move for the special committee." What information had you had previously to that that the Lord Chancellor would move for a special committee?
I had understood from various people that he would move for a special committee if there were no resignation.

1353. That was assumed as the intention of the Lord Chancellor?
Yes. This paper was drawn up by me in my private room at Lincoln's Inn Fields. I made Mr. Leonard Edmunds put his initials to it, and then I took it to the Lord Chancellor,

Chancellor, and handed it to him to read, and he read it, and said, "If the resignation takes place between this and Friday, I will throw no obstacle in the way of the pension." It was perfectly clear that the Lord Chancellor was expecting me on that occasion, and that he was therefore prepared at once to fix his day, Friday.

1354. Earl of *Clarendon.*] When you say "to fix the day" you mean for the resignation?

The day before which it should take place, it was the following Friday. I then said to the Lord Chancellor "My Lord, would your Lordship object to Mr. Edmunds taking "his seat in the usual way at the table of the House of Lords?" He said, "I shall "take no notice of it if he does."

1355. On what day did the Lord Chancellor say that to you?

On Saturday the 4th of February.

1356. That was before the meeting of Parliament?

Yes, that was before the meeting of Parliament.

1357. What time of the day was it?

It was early in the morning; I should say between 11 and 12.

1358. Was any communication made to you by the Lord Chancellor afterwards with respect to Mr. Edmunds taking his seat at the table?

Yes. I will state all the circumstances.

1359. Lord *Panmure.*] With regard to that paper that you have put in initialed by Mr. Edmunds, did you consider that that was a conditional or an unconditional resignation?

Certainly a conditional resignation.

1360. Conditional upon what?

It was conditional because I expected from the Lord Chancellor that which he had told me.

1361. Lord *Stanley of Alderley.*] What was that?

That he would not throw any obstacle in the way of the pension.

1362. Earl of *Derby.*] Provided that the resignation was in his hands by the next Friday?

Yes. But on Monday I thought it desirable to exchange a letter with Cannes, and I wrote to the Lord Chancellor, and asked him to permit the resignation to stand over till the following Monday or Tuesday. To that I received a reply from Mr. Abraham.

1363. Viscount *Hutchinson.*] When you say that you wished to exchange a letter with Cannes, you mean with Mr. William Brougham?

Yes.

1364. Lord *Stanley of Alderley.*] Why did you consider it necessary to wait for a letter from Cannes?

I had reasons for that which affected Mr. Edmunds personally.

1365. Earl of *Clarendon.*] What was that reason?

It was a question which I think I had better not go into; if your Lordship will excuse me, I would rather not go into it. It was a question of pecuniary claims which Mr. Edmunds considered that he had upon Mr. William Brougham. The application for delay was granted, and this was the letter from the Lord Chancellor's secretary in reply to mine.

1366. Earl of *Derby.*] Will you read that letter?

The same is read as follows:

"1, Upper Hyde Park Gardens,
Dear sir, 6th February 1865.

The Lord Chancellor desires me to say, that he is willing to postpone action in the House until Monday next, but his Lordship cannot approve of Mr. Edmunds attending the House in the interim, so you had better take care that he does not do so.

Yours faithfully,
James Leman, Esquire. AUGUSTUS B. ABRAHAM."

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1367. *Chairman.*] Do you consider that the resignation which you received from Mr. Edmunds, and which you gave to the Lord Chancellor, was one which contained any reservation?

It contained this reservation, that there was a further resignation to be sent in; it is not an actual resignation, but it is an offer of a resignation to be sent in before Friday, or, as it was afterwards postponed, till Monday.

1368. Earl of *Clarendon.*] But you considered, as far as Mr. Edmunds was concerned, that it was an actual and positive resignation, did you not?

No.

1369. There was no reservation in that document which you took to the Lord Chancellor which would have entitled Mr. Edmunds to withdraw this resignation?

Yes, it would, because I went with this paper in my hand to put it into the Lord Chancellor's hand. I put it into his hand, and he read it as a proposition on the part of Mr. Edmunds. It was a proposition, then, not a resignation. The Lord Chancellor accepted it thus: he said, "If this is done on or before Friday I will throw no obstacle in "the way of the pension." There was therefore that condition.

1370. Lord *Stanley of Alderley.*] But was there any condition contained in the written offer of resignation made by Mr. Edmunds?

There was not.

1371. There was no condition in it?

No; I have read the paper precisely as it is; but then it was that the Lord Chancellor volunteered to me the statement that he should not take that step, that is to say, that he should not interfere or throw any obstacle in the way of the pension.

1372. Lord *Panmure.*] Why did you think it necessary that Mr. Edmunds should put his own initials to the paper?

The paper was drawn up by us together; he did it himself.

1373. I thought you stated just now that you required him to sign it?

I wished to have a paper like that with me.

1374. Lord *Taunton.*] I think you used the expression, "The Lord Chancellor "volunteered" the statement, that he would not interfere with the Committee, to prevent Mr. Edmunds getting a pension. Was that statement made without any suggestion from you on that point?

Yes, it was, altogether. The Lord Chancellor said, "I will throw no obstacle in the "way."

1375. He introduced that part of the subject, did he?

Yes, he said that of himself.

1376. Lord *Stanley of Alderley.*] How can you consider it a condition of Mr. Edmunds' resignation, because you say that after you had handed the paper to the Lord Chancellor he volunteered the statement that if the resignation was sent in before a certain day he would not offer any obstacle to the pension?

The Lord Chancellor was perfectly aware there were negotiations pending.

1377. *Chairman.*] Between whom do you mean that those negotiations were pending?

There again I am speaking of persons with whom I cannot communicate, and I do not wish to enter into that. I only speak of these things as far as I know them myself. The discussion about the pension was no new thing to the Lord Chancellor.

1378. Duke of *Somerset.*] You stated that you consulted with Mr. William Brougham before sending in the reply to the Preliminary Report in the first case?

Yes.

1379. You also consulted with Mr. William Brougham, and asked for time to consult with him before Mr. Edmunds resigned his position as Reading Clerk in the House of Lords, did you not?

Yes.

1380. Are the Committee then right in inferring that the position and the resignation of Mr. Edmunds were very material in the interests of Mr. William Brougham also?

That is a question for Mr. William Brougham to answer.

1381. Did

1381. Did you make those consultations merely in the interest of Mr. Edmunds, or were they also partly in the interest of Mr. William Brougham?
They were not at all in Mr. William Brougham's interest. But now I am going into questions that I have no wish or desire to go into.

1382. Then when you consulted him at Brougham Hall respecting the Preliminary Report, that was not in the least connected with matters with which he was concerned?
Not at all. I went down at his request to Brougham Hall, to consult him upon the subject, and took the Report with me, or rather sent it the day before I went. I went down at his request to stay at Brougham Hall.

1383. You say that you went down at his request?
Yes. When first these matters came out Mr. William Brougham came up to town, and I met him by his desire at Arthur's Club; that is my club. He came with Mr. Miller there. We had frequent interviews while he was in town, and then he went down to Brougham, and asked me to come down there.

1384. Lord *Chelmsford.*] Did you know that Mr. William Brougham was extremely desirous of preventing any inquiry into the conduct of Mr. Leonard Edmunds?
I think I may say that he did wish to stop the inquiry.

1385. Earl of *Derby.*] You have read a letter from the Lord Chancellor's Secretary, agreeing to postpone further action in the House of Lords, but declining to sanction the appearance of Mr. Edmunds at the table?
Yes; he had before authorized me to say he might attend.

1386. When did that letter reach Mr. Edmunds?
It did not reach me till 12 o'clock at night on the Tuesday. I think the meeting of Parliament took place on the Wednesday.

1387. The House of Lords met on the Tuesday?
Then it reached my house in London at 12 o'clock on Monday night; it did not reach Mr. Edmunds' hands till the middle of the next day, for I did not know how to address him.

1388. There was then a postponement, I think, to the following Monday or Tuesday?
To the following Monday.

1389. Was not it to the Tuesday?
No; a change again took place.

1390. Had you again an interview with the Lord Chancellor on the Monday the 13th?
I had.

1391. What statement did the Lord Chancellor make to you then?
The Lord Chancellor then said to me (I believe my Lord Granville will recollect my repeating this in his presence in answer to a question by the Lord Chancellor), that if the resignation was not in Sir John Lefevre's hands by four o'clock on the following day he would move for the Committee, and lay the Reports on the table of the House of Lords.

1392. *Chairman.*] Did you say that I heard that statement made, or that the Lord Chancellor asked me anything?
No. Your Lordship was present when the Lord Chancellor asked me a question, and then I repeated what I have now said.

1393. You were going on to say what took place then?
The Lord Chancellor asked me, "Where did that take place?" I said, "Here, in this room, my Lord." That was the whole of the examination that he made.

1394. Earl of *Derby.*] Was it upon that day that the Lord Chancellor informed you that he had made a communication to the Cabinet?
The Lord Chancellor did not use the word "Cabinet."

1395. To the Government?
Yes, to the Government.

1396. When was the resignation sent in?
I told Mr. Edmunds immediately what had passed, and he went to Sir John Lefevre, and he, with Sir John Lefevre, prepared the resignation, and placed it in Sir John Lefevre's hands before four o'clock on the Tuesday.

1397. Lord *Panmure.*] What day was that?
Tuesday the 14th.

1398. Earl of *Derby.*] Then the petition was, by Sir John Lefevre, placed in the Lord Chancellor's hands, and by him presented to the House of Lords, praying for a pension?
I was not present when that took place.

1399. Lord *Panmure.*] When that resignation was put into the Lord Chancellor's hands by Sir John Lefevre on the 14th, did you consider that you had made the pension safe to Mr. Edmunds?
I did, because I relied upon the Lord Chancellor's statement.

1400. Will you explain to the Committee what you mean by the word "safe"?
I cannot say that I considered that it was safe, but relying upon the promises of the Lord Chancellor, I considered that there would be no opposition to it on his part. "Safe" is a term that I cannot use, because I know that any one of your Lordships might have opposed it.

1401. You considered that there would be no opposition to it on the part of the Lord Chancellor?
Yes.

1402. *Chairman.*] You stated some assurances that the Lord Chancellor had made to you. I think you stated that he told you that he personally would throw no obstacle in the way of the pension?
Yes.

1403. Did he ever promise you that he would use his good offices for obtaining the pension?
I do not know that he used that term.

1404. Have you any sort of recollection of that term being used?
I have never said so.

1405. I am asking this question, Did he ever promise you that he would use his good offices for obtaining the pension; have you any recollection of anything of the sort?
I considered when he said, "I will not throw obstacles in your way," that those were very good offices.

1406. You considered his saying I will throw no obstacles in the way of obtaining the pension as exactly equivalent to his saying I will personally use my good offices for the obtaining of the pension?
I did not say that.

1407. Earl *Graham.*] Still it was your belief that if the Lord Chancellor offered no opposition that pension would be granted.
Yes; it was my belief that if the Lord Chancellor offered no opposition that pension would be granted.

1408. It was in consequence of the Lord Chancellor's offering no opposition that the pension was granted, was not it?
Yes.

1409. Lord *Stanley of Alderley.*] Did you consider from the Lord Chancellor's presenting none of the Reports included in these papers that every member of the Committee was prevented from asking questions or inquiring what had been Mr. Edmunds' conduct which caused his dismissal from the Patent Office?
That was no consideration for me.

1410. *Chairman.*] Mr. Edmunds in his examination to-day stated that he had acted upon your advice in resigning at all, and that it was very much against his own convictions, and very much against the advice of all the private friends whom he had consulted. At what time did you first advise him to resign the office of Reading Clerk?
I advised him to resign at the time that I took with me to the Lord Chancellor that conditional paper (if I may use the term), which he initialed.

1411. Earl of *Derby.*] That was on the 4th of February?
That was on the 4th of February. I think he had not quite made up his mind when he sent that in, for the animus revocandi, I think, still remained with him.

1412. *Chair-*

1412. *Chairman.*] Do I rightly understand that in the course of the preceding year you had given him no such advice?

I had constantly told him that I thought if he could get his pension he had better resign. I had never expressed any other opinion upon the subject than that I thought it wise and prudent to resign, if he could get his pension.

1413. You never advised him to resign even independently of the question of the pension?

Never.

1414. Earl of *Clarendon.*] You thought that in consequence of the transactions in the Patent Office, and the inquiry that had been instituted, his place in the House of Lords would be in danger?

I did.

1415. And you consequently advised him to resign, if he could get the pension?

Yes.

1416. But you say that you would not have advised him to resign if he could not have got a pension or some assurance of a pension?

No. He would lose everything. He could not have been in a worse position. Why should he resign in that case?

1417. As to the advice that you gave him as his confidential solicitor, may I ask whether you would not have considered that it would have been more advantageous for him to resign, even without getting a pension, than to have been dismissed by the House of Lords after an inquiry? Would you not have considered the former of those alternatives preferable to the latter?

The question of character is one which he alone can weigh. As regarded the question of pecuniary benefit, it was perfect ruin and poverty to him to resign without a pension.

1418. The question of character must have entered into your consideration when advising him; and when guiding him according to your own personal feelings, would you not have considered that he might have had a better chance of providing for himself afterwards, by resigning simplicitur, without an inquiry, which you possibly might have felt would lead to his dismissal?

I think he never would have resigned without a pension.

1419. I am speaking of what would have been your advice?

I doubt whether I could have advised him against his own judgment and feelings to resign without some expectation of a retiring pension; it was perfect ruin to him. Then there is this further consideration, which, in one of my interviews with the Lord Chancellor, the Lord Chancellor himself suggested, namely, that what Mr. Edmunds has been guilty of in the Patent Office related to an office which had nothing whatever to do with the House of Lords; and that consideration might have weighed with the Committee if they had been appointed upon the subject.

1420. Earl of *Derby.*] Then the expectation of his obtaining the pension was founded upon three separate assurances that you had received from the Lord Chancellor, that he as Lord Chancellor, would throw no obstacle in the way of Mr. Edmunds obtaining a pension?

Yes; it certainly was. Your Lordship said three separate assurances; that must include the letter of Mr. William Brougham to me that I have read. On one occasion (the last time he told me this) the Lord Chancellor expressly forbade me to mention it to Mr. Edmunds.

1421. I refer to the letter of Mr. William Brougham, and the conversation of the 4th of November and the 4th of February?

Yes; and on that occasion the Lord Chancellor requested me not to communicate what he had said to Mr. Edmunds, and I did not communicate it.

1422. Earl of *Clarendon.*] Upon what ground?

He told me that he was such a foul-mouthed person that he would talk all over London upon the subject. He said he was a foul-mouthed and abusive person.

1423. Earl of *Derby.*] The discussion upon the subject took place on the 7th of March in the House of Lords?

Yes.

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1424. I must, of course, not ask you what took place there; but in consequence of what took place there did you write again to the Lord Chancellor on the 9th of March?
Yes, I did.

1425. Will you have the goodness to produce that letter?
Yes; I have it here.

1426. You had seen the report of what took place in the House of Lords, had you not, when you wrote that letter?
I was present, and heard the declaration.

1427. That was on the 7th?
Yes.

1428. And on the following day, Thursday the 9th, did you write to the Lord Chancellor?
On Wednesday I did not write to the Lord Chancellor, because I knew that the House was not sitting.

1429. But you did on Thursday?
Yes; I did on Thursday, and sent the letter to the House of Lords.

1430. Will you have the goodness to read the communication you then sent to the Lord Chancellor?
I will.

" 51, Lincoln's Inn Fields,
My Lord, 9th March 1865.

In consequence of what passed at the House of Lords the other evening, I feel it due to your Lordship, as well as to myself, to recall to your recollection an expression made to me by you when I had the honour to see you the day before the meeting of Parliament—"

That was on the 4th.

1431. Earl of *Derby.*] That is a little mistake?
It is badly expressed, I admit; but it was a day before the meeting of Parliament when I saw his Lordship; that is what I meant to say.

1432. Parliament did not meet till the 7th?
Saturday was the 4th. It was on the Saturday that I saw the Lord Chancellor.

1433. It was not the day before Parliament met?
No; it was on the Saturday that I saw him. The paper that Mr. Edmunds signed is dated the 4th. The letter goes on "—at your private residence, and which was in con- " firmation of a like promise made at an interview some time earlier. The expression was " to the effect that if Mr. Edmunds resigned his office in the House of Lords your " Lordship would offer no obstacles to his obtaining a pension. In consequence of your " desire, I did not at the time communicate the later promise to Mr. Edmunds, but acted " on it in advising him. He was, however, perfectly aware of the earlier one, and he " was also aware of a similar promise being contained in a letter from your Lordship to " Mr. William Brougham, an extract from which was communicated to me by that " gentleman on the 6th November 1864. I mentioned the matter to your secretary, " Mr. Abraham, the other evening; but on consideration I think it right myself to recall " these circumstances to you, in order that you may take an opportunity, if you think " fit, of correcting any misapprehension which may have arisen from the report in the " newspapers of your observations." I sent that letter to the Lord Chancellor; that was the letter which I have already stated to your Lordships I received in reply from Mr. Abraham, asking me for a copy of an extract from Mr. William Brougham's letter.

1434. Earl of *Derby.*] Did you receive that letter on the same day?
On the next day I received the letter,—I did not see it till the next day, at all events,—asking me for a copy of an extract from Mr. William Brougham's letter, and I then wrote to Mr. Abraham, to say that I did not feel myself at liberty to produce it to the Lord Chancellor without Mr. William Brougham's consent. Mr. William Brougham was then at Cannes.

1435. What you were requested, I believe, to send, was a copy of the extract from a letter from the Lord Chancellor to Mr. William Brougham to which you referred?
Exactly; it was so.

1436. And

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1436. And that was the extract which you declined to furnish?
Yes; I declined to furnish it without Mr. William Brougham's consent.

1437. Will you read the answer to that letter from Mr. Abraham, written on the 10th of March?
It would be on the 9th of March.

1438. You say you received Mr. Abraham's letter on the 10th; then you wrote to Mr. Abraham on that day, did you not?
Yes. This is Mr. Abraham's letter to me.

The same is read as follows:

" Private.

Dear Sir, 9 March 1865.

I am making up the papers for the Committee in this matter of Mr. Edmunds. I believe I wrote you a letter in November last, stating that it was the intention of the Lord Chancellor to lay the papers on the table of the House. Will you oblige me by forwarding a copy of that letter?

Also be so good as to send me a copy of the extract from a letter from the Lord Chancellor to Mr. William Brougham, to which you refer in a letter sent by you this day to the Lord Chancellor, but which extract you omitted to insert.

I am, dear Sir,
Yours truly,

James Leman, Esq. AUGUSTUS B. ABRAHAM."

This was my reply to that:—

The same is read as follows:

" Dear Sir, 51, Lincoln's Inn Fields, 10th March 1865.

I send you a copy of a letter, dated the 21st of December, which is, I presume, the letter you refer to as of the month of November last. With regard to the extract from the letter of Mr. William Brougham, it was purposely omitted from the letter I sent to the Lord Chancellor yesterday. I should not consider myself at liberty to send that extract without the sanction of Mr. William Brougham.

The facts to which I referred in my letter to his Lordship were facts within my own knowledge, which it appeared to me had been forgotten or overlooked by his Lordship, and I merely referred to the communication I had received from Mr. William Brougham as being a corroboration of my statement.

I am, &c.

Augustus B. Abraham, Esq. JAMES LEMAN."

1439. Since sending that letter have you had any correspondence or communication with the Lord Chancellor or his secretary upon the subject?
I think none.

The witness is directed to withdraw.

Mr. L. Edmunds.

Mr. LEONARD EDMUNDS is again called in, and further examined as follows:

1440. *Chairman.*] In the first day's examination you alluded to circumstances connected with your first appointment as Clerk of the Patent Office. In answer to Lord Derby you stated that when you were appointed to the office of Clerk of the Patents the salary was 400*l.* a year, and that that salary was saddled with the expenses of the office?
Yes.

1441. And that there were other incumbrances upon it. Have you anything to state to the Committee now upon that subject as to what those incumbrances were?
I was appointed to the office of Clerk of the Patents in August 1833; the appointment being in the gift of Lord Chancellor Brougham; Mr. James Brougham, the brother of Lord Brougham, being the medium of communication. I never had any communica-

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tion with Lord Chancellor Brougham upon the subject. Mr. James Brougham has been dead many years. He died in December 1833. I was informed by Mr. James Brougham, since deceased, at the time of my appointment, that the office was intended for the eldest son of Mr. John Brougham, then deceased, another brother of Lord Brougham, but that as he was not old enough to hold it himself, I was to take in the meantime, in trust for the benefit of the widow and five children of John Brougham. At the time of the appointment I held the office of Purse Bearer and one of the Secretaries of Lord Chancellor Brougham; that is Secretary of the Commissions of the Peace. The salary of the office, 400*l.* per annum, was saddled with the expenses of the office, under Act of Parliament.

1442. You stated the other day that you were not acquainted at the time with a return made to Parliament as to the value of your own salary?
I was not. I was directed by Mr. James Brougham to pay to him, or to account to him for the purposes of the trust above named, for the sum of 300*l.* annually out of the above-mentioned salary; in fact, the whole of the available salary. I was also directed by Mr. James Brougham to retain in my hands 200*l.* per annum out of the 300*l.*, and to apply and pay the same in payment, on Lord Brougham's account, of the interest on the mortgage for 5,000*l.*, herein-after referred to, and then subsisting (the date being 1827), and secured on Lord Brougham's Cumberland Estate, and to pay over the balance of 100*l.* to him Mr. James Brougham in half-yearly payments, for the purpose of the above-mentioned trust.

1443. Duke of *Somerset.*] Do I understand you correctly to say that you took the office under two conditions, one of which was to pay over certain money to a trust, and the other, that you were to hold the office temporarily, till Mr. John Brougham's son came of age?
Yes; that was stated to be the arrangement.

1444. Those were the two conditions upon which you took the office?
Yes.

1445. Lord *Panmure.*] You alluded to a trust; was it a written trust?
No; it was not a written trust; it was confidential.

1446. Was it recorded in writing?
No.

1447. Lord *Taunton.*] Was any memorandum made of those conditions?
None whatever.

1448. Lord *Panmure.*] They were entirely verbal?
They were entirely verbal, and so it has been carried on to the end.

1449. It was agreed upon between you and Mr. James Brougham?
Yes, in the first instance.

1450. There was no security, except Mr. James Brougham's honour, for the application of the balance to the family of Mr. John Brougham?
None whatever. Mr. James Brougham, however, died at Christmas 1833, a few months after this transaction, and, consequently, no payment in money was made to him. Mr. James Brougham paid the interest on the 5,000*l.* mortgage on Lord Brougham's account, and, as his agent, to me, regularly, from 1827 to the middle of the year 1830. He did not, however, pay the interest to me for the years 1831–2–3. I paid the interest for those years to my sisters, to whom it was then due, out of my own funds (salary, &c.), and I was required so to do by Mr. James Brougham. Mr. James Brougham was, therefore, indebted to me 600*l.* on that account at the time of his death.

1451. Earl of *Derby.*] Perhaps it would be convenient that you should tell the Committee now what was that mortgage for 5,000*l.*, and how it arose. I believe your father was a great personal friend of Lord Brougham, was not he?
Yes.

1452. And was upon very intimate terms with him?
Yes.

1453. Had Lord Brougham been desirous of paying off another mortgage of 5,000*l.*?
It was called in, in 1827.

1454. Did

1454. Did your father lend him the money to pay off that mortgage?
No; he was dead at that time.

1455. Did your father's executors?
I did, as one of the trustees.

1456. You lent him 5,000*l.*?
Yes.

1457. And you took in return a mortgage for 5,000*l.*, in trust for your two sisters?
Yes; an assignment of the existing mortgage.

1458. That is the 5,000*l.* to which you referred when you spoke of Mr. James Brougham having desired you to pay to yourself for your sisters the 200*l.*, in lieu of paying it to him for the benefit of Mr. John Brougham's widow and children?
Yes, that is it.

1459. *Chairman.*] In those negotiations for the mortgage did you negotiate with Lord Brougham at all?
No; with Mr. James Brougham.

1460. Earl of *Derby.*] I believe Lord Brougham for many years has intrusted the management of his property greatly to his brothers; to Mr. James Brougham first, and subsequently to Mr. William Brougham?
Entirely; they had the command of everything that he received and everything that he paid.

1461. When you made the original agreement with Mr. James Brougham, did he make it in the name of Lord Brougham, or in his own name, or what was the form in which he communicated to you the conditions? Did he speak of this form: "I require," or "Lord Brougham requires," or "We require"?
"We require."

1462. Speaking in the character of an accredited agent of Lord Brougham?
Yes; I so understood him.

1463. Lord *Chelmsford.*] It was an assignment of an existing mortgage?
Yes.

1464. That would be executed by the mortgagee, would it not?
Yes.

1465. Not by the mortgagor?
No.

1466. Was it executed by the mortgagor?
No, it was not. If your Lordships will permit me to read this paper you will find that all these questions are answered. Will your Lordships allow me to say that I am reading the statement which was laid before Lord Cranworth on the arbibration.

1467. Earl of *Clarendon.*] You circulated it amongst your friends in London, did you not, or some of them, at any rate?
I gave it to a few of my friends.

1468. You sent it to one or two clubs, I think?
No, not to any clubs at all; nothing of the sort. I gave it to about half a dozen of my intimate friends, and those whom I consulted upon the subject, for reasons which I will state hereafter. As this matter had been talked of very much, I wished to show [that was my motive] how entirely Lord Brougham had been kept in ignorance, and that he had had no hand whatever in this affair from the beginning to the end. It is my firm belief that up to this present moment Lord Brougham had no knowledge whatever of anything that has passed; of this submission to Lord Cranworth, or anything whatever that has passed in litigation between Mr. William Brougham and myself. Immediately after the death of Mr. James Brougham (early in 1834), Mr. William Brougham came to me, and opened the subject, showing a perfect knowledge of the above-mentioned trust arrangements in all its details. I did not seek Mr. William Brougham (as may be well understood and believed), and he (Mr. William Brougham) did not acquire from me any knowledge of or information as to the previous transactions with Mr. James Brougham in any shape whatever. Mr. William Brougham adopted and enforced the arrangement of 1833 in all its particulars. He directed me to retain

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200*l.* per annum, to be applied by me in payment to my sisters of the interest on Lord Brougham's mortgage of 5,000*l.*, and to pay the balance of 100*l.* to him (Mr. William Brougham); and such interest has from that time to the 24th June 1864 been paid by me to my sisters, to whom the principal money belongs. Accordingly, from that time (early in 1834) until the date of a new loan of 1,200*l.*, made by me to Mr. William Brougham in 1845, on his (Mr. William Brougham's) personal security, I paid the balance of 100*l.* in half-yearly payments of 50*l.* to Mr. William Brougham's credit at Bouveries', each payment by cheque upon Coutts,' "To William Brougham, Esq., or bearer," and paid by myself over the counter and in my own name. So it appears in Coutts' books, and no doubt also in Bouveries.' From the date of this new loan of 1,200*l.* in 1845 I deducted, according to the direction of Mr. William Brougham, 42*l.* from the 100*l.* on account of interest on this new loan (at 3½ per cent.); and I have thenceforth and to the present time paid to Mr. William Brougham's credit at Bouveries', and in like manner, a sum or balance of 58*l.* in one yearly payment.

1469. Lord *Panmure.*] By the words "up to the present time," I suppose you mean up to the time of the resignation of your office of Clerk of the Patent?

Up to Midsummer last. The original mortgage for 5,000*l.* on the part of Lord Brougham (then Henry Brougham) to two Miss Robinsons is dated in 1811; the survivor of the two died in 1826, and the 5,000*l.* was lent in 1827 by the four trustees and executors of the will of Mr. Edmunds, deceased, (I and Mr. James Brougham being two of the four,) to Lord Brougham, for the purpose of paying off Barbara Harrison, the representative of the last survivor, who had called in the money. Stock was sold for the purpose out of the trust fund, and the proceeds, 5,000*l.*, were duly applied to pay off Barbara Harrison, the representative, as is proved by Coutts' books, and by the receipt on the mortgage deed. Barbara Harrison's mortgage was duly transferred, and in valid form, to the four trustees of the late Mr. Edmunds' will, by properly executed deeds, endorsed on the original mortgage deed, now in the custody of Messrs. Leman, with whom it was left in 1833. In the result of the above detailed transaction, and as a consequence of the arrangement, Mr. William Brougham has received into his own pocket 9,300*l.*, out of the salary (indeed, the whole available salary,) of the Clerk of the Patents, having ridden me to the amount of 300*l.* per annum for 31 years. On the other hand (taking one year with another), I have received no emolument out of this office. There was an apparent though nominal balance of 100*l.* left for me out of the salary of 400*l.* at the date of the arrangement and trust, in supposed remuneration for my responsibilities in the making of the patents and in the collection by a common clerk of sums in fees due to several accounts and several parties, amounting to 8,000*l.* per annum, 157,000*l.* in the aggregate within the first 19 years. The expenses of the office increasing from year to year, the number of the patents increasing enormously, taking one year with another, the nominal balance of 100*l.* supposed to be left and unappropriated by Mr. William Brougham was altogether absorbed. This has already been given in evidence.

1470. *Chairman.*] In what part of the evidence does it appear?

In my previous evidence. The above-mentioned trust has not been fulfilled by Mr. William Brougham. He has not paid over the 300*l.* per annum, which has amounted, as above stated, in the aggregate of 31 years, to 9,300*l.*, or any portion thereof, in any year, to those for whom the trust was originally created, and which trust Mr. William Brougham took upon himself to enforce and carry out in 1834. Neither has he applied any portion of the money to their benefit in any shape. It is certain that neither James Brougham nor Mr. William Brougham ever informed the widow and children of Mr. John Brougham of the trust created for their benefit. Mr. William Brougham concealed the trust from them, and applied the money to his own uses from the first. Mr. James Brougham was taken ill within a few weeks of the creation of the trust, and died within four months (December 1833), and he did not receive from me any money on account of the trust. These circumstances sufficiently account for Mr. James Brougham not having made the communication of the trust to the widow of Mr. John Brougham. Mr. William Brougham has applied the whole 9,300*l.* to his own use and into his own pocket.

1471. Earl of *Derby.*] You say that Mr. William Brougham has applied the whole 9,300*l.* to his own use, and into his own pocket. I understood you to state just now that one of the conditions was that you should reserve 200*l.* out of the 300*l.*, and pay that over for the benefit of your sisters as the interest of the mortgage?

I propose to state that hereafter.

1472. You make a statement here that the whole 9,300*l.* has gone to Mr. William Brougham's use, and into his own pocket, and yet you say that of that 9,300*l.*, which means

means 300*l.* a year for 31 years, two thirds have been applied in payment of interest due to your sisters, to the saving of Lord Brougham's property?
Yes.

1473. That is to say for interest upon the mortgage chargeable upon Lord Brougham's property?
Yes.

1474. The remaining 100*l.* was paid to Mr. William Brougham in the first instance, until he contracted a debt, when 58*l.* of it were paid over directly to him, and the other 42*l.* went to supply the interest of the debt contracted by him?
Yes.

1475. Therefore with regard to that 100*l.* a year you may say it has been paid into his own pocket for his own benefit?
Yes.

1476. The other 200*l.* a year has gone in payment of interest chargeable upon Lord Brougham's estate?
Yes.

1477. Lord *Chelmsford.*] Why do you then say that the 200*l.* a year which went to pay the interest of the mortgage has gone into Mr. William Brougham's own pocket?
I ought to have said, indirectly into his own pocket.

1478. Will you explain what you mean by "indirectly into his own pocket?
By what I believe to have been the arrangement between Lord Brougham and himself. I believe (and I have no doubt whatever) that he charged Lord Brougham with this 200*l.* a year.

1479. Earl of *Derby.*] Have you any means of proving that?
I have no distinct means of proving it, but I have no doubt whatever of it.

1480. Earl of *Malmesbury.*] Lord Brougham's estate would have been benefited by it, would it not?
Mr. William Brougham, and his brother James before him, had been in receipt of all Lord Brougham's rents.

1481. Lord Brougham's estate would have been benefited by this transaction?
Yes; upon the face of things, no doubt.

1482. Duke of *Somerset.*] You stated that you held the office upon two conditions; one was to make certain payments, and the other was that you held it temporarily until Mr. John Brougham's son was of age to hold it?
Yes.

1483. What happened to Mr. John Brougham's son?
He is living, but then the transfer of the office could not be made, because the gift of the office passed very shortly in another channel, probably if "we" had remained in office a few years longer I should have had the comfort of getting rid of this office.

1484. Viscount *Hutchinson.*] Am I to understand that Mr. John Brougham's son did not come of age until after Lord Brougham had ceased to be Lord Chancellor?
Yes, certainly.

1485. Earl of *Derby.*] Is Mr. John Brougham's son otherwise provided for?
Yes.

1486. What office does he hold?
Mr. James Brougham, who was undoubtedly indicated as the person who was to receive this office as soon as he came of age, or rather as soon as he was old enough (for that was the term) holds an office in the Court of Bankruptcy.

1487. What office does he hold?
He is a Registrar in London. He was first appointed, a good many years back, by Lord Cottenham, Registrar in the Liverpool Court of Bankruptcy, and he has been transferred within the last few years to London. By the misapplication of this 9,300*l.*, Mr. William Brougham has in the first place withheld from the widow and children of Mr. John Brougham the benefit intended for them.

1488. Earl of *Malmesbury.*] Are you sure that he has not paid the widow anything?

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Mr. William Brougham denied this trust altogether to Lord Cranworth. He said this was not the nature of the trust. I was informed by Mr. Miller, who is his agent, that he never paid anything over. Mr. Miller was the first person who divulged to me, and that was only in October last, that this money had never gone in its right direction. Secondly, he has deceived Lord Brougham, in having charged him, as I verily believe he has, in account of the rents of the Cumberland Estate, forming the security of the above-mentioned mortgage, with interest on the 5,000*l.* due and payable by him, Lord Brougham. And thirdly, he has deceived me. Mr. John Brougham, who was a wine merchant in Edinburgh, died insolvent, leaving his widow and five children almost in a state of destitution, considering their previous station in life.

1489. Lord *Panmure.*] In what year did he die?
Some years before this took place.

1490. Earl of *Derby.*] He died in 1829, I think?
Yes; before this transaction. Having unfortunately consented in the beginning to this somewhat illegal arrangement, though, under the circumstances, and if the trust had been honestly carried out by Mr. William Brougham, by no means an improper transaction, I felt myself bound in honour to carry on the trust, and to afford these people a means of living.

1491. Do you mean that you have out of your own pocket afforded to the widow and children of Mr. John Brougham the means of living which you believe were secured to them by this trust?
I believed that, until last October.

1492. I ask you whether, the trust having been made, you have out of your own means provided for the family of Mr. John Brougham?
I have by the payment of this 300*l.* a year.

1493. Lord *Taunton.*] To Mr. William Brougham?
Yes, I have done so, according to my belief.

1494. Do you mean that you have paid it directly to them?
I paid it to Mr. William Brougham.

1495. Lord *Chelmsford.*] You mean that you paid it to Mr. William Brougham, under the belief that it would go to the family of Mr. John Brougham?
Yes; under the certain belief that it would.

1496. Earl of *Derby*]. But you have not paid 300*l.* a year to Mr. William Brougham; you have only paid him 100*l.* a year?
I mean that I paid him 100*l.*, retaining the other 200*l.* The stipulations of the trust were that I should pay out of the salary 300*l.* a year for the benefit of the widow and these children; and as a convenient arrangement, as there was the 200*l.* a year payable to me for this interest every year, and to prevent the inconvenience of payments backwards and forwards, I paid the 200*l.* a year to my sisters out of the 300*l.*

1497. Lord *Taunton.*] You mean that you made what was tantamount to a payment of 300*l.* a year; not an actual payment of that sum to Mr. William Brougham?
Yes.

1498. Earl of *Derby.*] How did you ascertain that no portion of that 300*l.* reached the widow and children of Mr. John Brougham?
I intended that it should, but I have discovered that it has not.

1499. When you say you have paid this 300*l.* a year to the family of Mr. John Brougham, you have not paid the 300*l.* a year; you have only paid 100*l.*?
Yes; I ought to have said I believed it went to them.

1500. Lord *Stanley of Alderley.*] You mean that you have paid 300*l.* a year over to Mr. William Brougham in one shape or another, which you believed went to the purposes of the trust for Mr. John Brougham's children?
Yes. This trust created a complication of accounts. I have carried on this trust from 1833 to the present time. I have performed my part in the trust forced upon me at that time; but I never had at any time within the 31 years, directly or indirectly, any communication or conversation with Mrs. John Brougham, that is the widow, or any one of her five children, on the subject of the trust above mentioned, the payment of the 300*l.* per annum, or on any question relating to their pecuniary affairs. I have not seen any one of them for the last 10 years, to my belief. The default in payment

of

of the 300*l.* per annum by Mr. William Brougham has come to my knowledge only within the last three months. It has also come to my knowledge, only within the last five months, that Mrs. John Brougham possessed an annuity of 200*l.* or 250*l.* per annum secured under her marriage settlement, and which the creditors, under Mr. John Brougham's bankruptcy, could not touch, and that she and her family have been living for the whole of the past years (since the death of Mr. John Brougham in 1828) upon such annuity.

1501 Lord *Taunton.*] How did this alleged default of payment come to your knowledge?

It first came to my knowledge early in the month of October last, Mr. Miller informed me of it. I was speaking to Mr. Miller upon the subject of the disputed mortgage, and he divulged this business to me.

1502. Lord *Stanley of Alderley.*] You mean that he divulged the fact that no portion of the 300*l.* a year had gone to Mrs. John Brougham?

Yes; he divulged the fact that none of it had gone in that direction; there can be no doubt of that, because, as I shall state hereafter, Mr. William Brougham, before the arbitrator, Lord Cranworth, distinctly denies the nature of the trust; he denies that it was a trust; at least he admits the trust of the 300*l.* a year, but he denies that it was a trust created for the benefit of this widow and children. He stated to Lord Cranworth that a trust was created of 300*l.* a year to form a fund for the payment of Mr. James Brougham's debts. Therefore that proves distinctly that no portion of this money ever reached its proper destination.

1503. He admitted that it was not so applied?

Yes; he admitted that it was not so applied, in denying the trust in that form.

1504. Viscount *Hutchinson.*] Did you speak of Mr. James or Mr. John Brougham's debts?

Mr. James Brougham's debts. What I am about to state is very material. Mr. Alfred Montgomery stated to me a short time since that Lord Brougham had on one occasion, some years since, in conversation, and answering an observation made by him to the effect that I was very lucky in getting two offices, replied that the income of one of those offices, namely, that of the Clerk of the Patents, was held by me for the benefit of my brothers and sisters, and that he (Lord Brougham) had so disposed of the office because my father, being an intimate friend, had lost his life by an accident in what might be considered his (Lord Brougham's) service. Another gentleman, Mr. Henry Vane, tells the same story, and I have heard of several others since to whom on various occasions, not at the same time, Lord Brougham has made the same statement. It is an extraordinary thing that during the whole 31 years this statement of Lord Brougham should never have come to me; that it should never have been repeated to me, because that would have blown up the whole of this business. No doubt Lord Brougham has made the same statement to many others. The communication to Mr. Henry Vane was also made some years since. I was never informed by any one at any time of any such arrangement or stipulation for the benefit of my brothers and sisters as above mentioned. Indeed, considering that the trust really imposed by Mr. James Brougham on me for the benefit of the family of Mr. John Brougham wholly exhausted the salary of the office in question, it is almost needless to remark that no arrangement or stipulation for the benefit of my own family could have been communicated to me. However, I have in fact, from the beginning and to the present day, in my own sense of right, assisted my brothers and sisters to the full amount of 300*l.* per annum, in addition to the 300*l.* per annum paid by me for the benefit of the family of Mr. John Brougham.

1505. Earl of *Derby.*] And in addition to the 200*l.* a year which you retained for them out of your salary?

Yes, in addition to that. In the year 1834, just as Lord Brougham went out of office, I was appointed Clerk of the Crown, the salary of which office was 500*l.* a year, and it so continued at that amount, 500*l.* a year, till 1846, when it was increased to 1,000*l.* a year.

1506. Viscount *Hutchinson.*] That is the office of Clerk of the Crown in the House of Lords?

Yes; it is a Parliamentary Office.

1507. Earl of *Malmesbury.*] Is that the Office you held before you became Reading Clerk in the House of Lords?

Yes.

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1508. When you became Reading Clerk you gave up that office, did you not?
Yes.

1509. Were the salaries the same?
No; the salary of the Clerk of the Crown was 1,000*l.* a year at that time, with a prospective increase of 200*l.* a year whenever the office of Clerk of the Hanaper should fall upon that office.

1510. What was the salary of the Reading Clerk?
1,500*l.* a year.

1511. Therefore your salary was 300*l.* the better by your becoming Reading Clerk?
Yes; that was the inducement to take it. I should not have thought of accepting it without that. It was intimated to me that if I liked to make the change I could do so. Lord Cottenham appointed his own son Clerk of the Crown.

1512. Viscount *Hutchinson.*] He took your place?
Yes, he took my place; that was the arrangement.

1513. Earl of *Malmesbury.*] And you took the place of Reading Clerk?
Yes.

1514. At what salary?
£1,500.

1515. Did Mr. Rose receive 1,500*l.*?
Mr. Rose received 1,500*l.*, I believe.

1516. Always?
Not always, I believe.

1517. Mr. Rose was your predecessor?
Yes.

1518. When Mr. Rose was appointed to that office, did he receive 1,500*l.* per annum?
I believe not, when he was appointed; I believe it was afterwards raised to 1,500*l.*

1519. Was not there a resolution of a Committee of the House of Lords that it should be again reduced to 1,200*l.*?
I believe there was.

1520. What reason was given for raising the salary to 1,500*l.* when you took the office?
I do not know.

1521. Was not it raised on account of Mr. Rose's long services?
I believe it was.

1522. On the understanding that when a re-appointment was made it was to be reduced to 1,200*l.*
Yes.

1523. But it was continued at 1,500*l.*
Yes.

1524. And the pension you have now received was founded upon the basis of that salary of 1,500*l.*?
Yes, I believe so. I have no doubt it is so.

1525. The pensions are generally fixed in proportion to the salaries, are they not?
Yes. It is arbitrary, however, I think, in the discretion of the Committee.

1526. But they take the amount of salary as the general basis of their proceedings, do they not?
Yes, no doubt. There was a negotiation (if I may call it so) to induce me to take this office. I declined to take the office of Reading Clerk upon the salary of 1,200*l.* a year. How the matter was arranged so that I should come in upon the salary of 1,500*l.* a year I have no knowledge whatever.

1527. Why did you decline taking it at 1,200*l.* a year?
Because the office of Clerk of the Crown did not confine me to daily attendance; it was a much easier office; a more independent office in every way.

1528. Then

1528. Then it was against your will that you accepted the office of Reading Clerk? No; the inducement to me to take it was the difference of 300*l.* a year. I would not have taken it at 1,200*l.* a year. Mr. James Brougham had the entire control and management of Lord Brougham's affairs to the end of his life. On the appointment to the office, and creation of the trust for the benefit of Mr. John Brougham's family, Mr. James Brougham was the sole medium of communication with me. I had no doubt whatever at the time of that appointment that the stipulation then made for the payment of the 300*l.* per annum was made with the concurrence of Lord Brougham, and I continued in that belief to within the last six months. By the light of late disclosures, however,—by the evidence of Mr. William Brougham's letters and declarations, together with the declarations made by Lord Brougham many years since to various people at various times, which I have stated,—I am convinced that Lord Brougham never had any hand directly or indirectly in the creation of the trust for the family of Mr. John Brougham, either at the time of the appointment to the office or at any subsequent time; that he knew nothing about it; and that he was altogether deceived by Mr. James Brougham, and subsequently by Mr. William Brougham. I believe he knows nothing whatever of the matter, even down to this time. I believe the arbitration before Lord Cranworth has been kept out of his sight by Mr. William Brougham. I believe he has been involved in it in total ignorance of all the questions raised as to the 300*l.* per annum, and that he has been compromised throughout. Mr. William Brougham has secretly converted the 300*l.* per annum to his own use, deceiving and defrauding every one concerned, the family of Mr. John Brougham, Lord Brougham, and myself. I never had one word with Lord Brougham concerning the 300*l.* per annum in any shape, either at the time of the appointment, or at any time to the present day. I may add, moreover, that I have no doubt whatever that at the time of the creation of this trust Lord Brougham directed his brother, Mr. James Brougham, to convey the office to me, upon the understanding and stipulation that I was to apply this 300*l.* a year for my own family, and that Mr. James Brougham, in conveying this office to me, turned it in the direction of Mr. John Brougham's family, and that subsequently Mr. William Brougham turned it in his own direction. The trust annuity of 300*l.* (if such it can be called) necessarily ceasing at my death, Mr. William Brougham insured my life in 1840, seven years after the creation of the trust for 3,000*l.*, in his Mr. William Brougham's name, informing me, at the time of my necessary appearance at the insurance office, that he had done so for the security and benefit of the widow and children above named, and that he disposed of nearly the whole of the 100*l.* per annum, balance paid over by me to him, in paying the annual premiums on the policy. Mr. William Brougham has so paid the annual premium (95*l.* 15*s.*), and has kept up the policy to this day, for his own profit and security, and not for the security of the widow and children of Mr. John Brougham. Mr. William Brougham wrote the following letter to me last year, in relation to this policy of insurance. It is not dated, but as one of the certificates enclosed therein is dated 3d February 1864, the letter is consequently of a date subsequent to February 1864, probably in May or June 1864:—

Mr. L. Edmunds.
21st Mar. 1865.

(Copy.)

"My dear Leonard, Grafton Street, Wednesday evening.

As you, in fact, pay the premiums on the 3,000*l.* policy effected on your life in the Law Life Office, No. 8,352, you have a right to a return of the income tax. Miller will tell you to whom the application is to be made, as he did it for me in another case. I may as well have the benefit of this in the case of the 3,000*l.*, and all you have to state is, that, although effected by me, it is paid for by your money. We ought to have thought of this before, for all we can now get back is three years. Accordingly I now enclose certificates of payment required by the Act for those three last years. Ask Miller to put you in the way of doing this.

(Signed) William Brougham."

I did not apply for the return of income tax, or make any declaration thereon. As before stated, Mr. William Brougham borrowed of me 1,200*l.* in 1845 on his personal security, and I deducted from that date 42*l.* per annum on account of interest thereon, paying to Mr. William Brougham thenceforth 58*l.* per annum instead of 100*l.* The existence and validity of the mortgage debt of 5,000*l.*, the payment of the interest thereon "in an unsettled account," and the existence of the trust as to the 300*l.* per annum, are fully proved, recognized, and admitted by Mr. William Brougham in his

Mr. L. Edmunds.

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answer (30th January 1863) to my letter of the 26th of the same month, directed to him at Nice. January the 26th, 1863, is the date of my letter.

1529. Viscount *Hutchinson.*] Will you produce the originals of those letters?

Yes; I will put them in. I have got them all in the next room. I can put them in, if required. I will read my letter of January 26th, 1863.

The same is read as follows:

"My dear Brougham, January 26th, 1863.

With the intention of putting my affairs in an intelligible condition in the event of my death, I have been looking through my papers. It has struck me that between you and I there ought to be a written statement to the effect that the interest (200*l.* per annum) on the mortgage I hold for 5,000*l* on the Cumberland Estate has been paid and settled up to this time. This interest has actually been paid, but through an unsettled account. That is by my deducting yearly 200*l.* from the 300*l.* per annum held in trust for others, and paying you the balance of 100*l.* yearly up to a certain time. Since the date of the loan to you of 1,200*l.* I have made a further deduction of 42*l.* for interest, and have paid you annually 58*l.* only. The memorandum you gave me on the occasion of this loan (1,200*l.*) recognises the transaction. Another matter to be settled between us is the question when the mortgage debt is to be paid off. My understanding is, that, unless circumstances should arise, and which I do not anticipate, payment will not be required until after my death; but on this point also, considering the time that has elapsed, the loan having been made out of trust funds belonging to my sisters, there should be a positive agreement between us. Pray answer this at your earliest convenience. In the meantime, however, the written statement may be postponed until your return to England.

I am, &c.

W. Brougham, Esq. L. Edmunds.

Promenade des Anglais, Nice."

Mr. Brougham replies immediately. I will read his letter:

The same is read as follows:

"53 Promenade des Anglais, Nice,

My dear Leonard, 30 January 1863.

I am sorry you propose to die, but you must keep yourself alive till I get back, and we will then arrange the best way to state an account, which we can both sign, and then at the end of each year (supposing the interest account to be from 1st January to 31st December) I can sign again, so as to keep the matter straight.

I am, &c,

L. Edmunds, Esq. W. Brougham."

The following letter, Mr. William Brougham to me (14th June 1863), fully recognises, and distinctly proves the trust, as to the 300*l.* per annum. I will read it.

The same is read as follows:

"My dear Leonard, 14 June 1863.

I have decided to state the case in writing to Lord Brougham, telling him on no account to say a word to Bethell; but, if he thinks it will help, to talk to Lord Granville, who expresses himself very favourably about Henry, and said how glad he should be if he could be of any use to him—

1530. Earl of *Clarendon.*] Who is "Henry"?

Mr. William Brougham's son. It is explained afterwards.

"—Lord Granville seeing Lord Palmerston will counteract Bethell, and save us from being thrown over by him. Let me hear what you think. Also pray bear in mind, that in talking to Henry, or Miller, or Lord Brougham, you are in the same story with me; viz., that the actual gain to Henry is 900*l.* a year. It will not do to mention to any one at present our 300*l.* arrangement; that must not be spoken of; and when the Patent arrangement is completed, then Henry alone must be told, and told in the way you and I agree upon. You will at once understand the necessity of this reticence.

I am, &c.

L. Edmunds, Esq. William Brougham.

P.S.—I have also told Lord Brougham that he must not see Lord Palmerston till I come, as I must go with him."

The

The office referred to in the above letter (14th June) was Clerk of the Patents and Clerk of the Commissioners (combined offices), together of the value of 1,200*l.* per annum, then held by me, and which I had agreed to resign in favour of Mr. Henry Brougham, the son of Mr. William Brougham. In the event of my taking the superannuation under the Act of Parliament, and the contemplated transfer of the office to Mr. Henry Brougham, he (Mr. Henry Brougham) was to be ridden by his father to the extent of 300*l.* per annum, supposed to be held in trust for the widow and children of Mr. John Brougham deceased, but really taken by Mr. William Brougham for his own use and profit. This is the explanation of the words "900*l.* actual gain to Henry." The case on the proof of the mortgage, which was entirely repudiated by Mr. William Brougham, could only be substantiated and set up by this letter, as showing the payment of the interest, for Mr. William Brougham pleaded the Statute of Limitations as against this mortgage, stating untruly that no interest had been paid for 30 or 40 years, and that therefore the mortgage debt was gone.

1531. Earl of *Derby.*] Do you mean that Mr. William Brougham before Lord Cranworth denied the existence of this mortgage, on the ground that no interest had been paid upon it for a period of 30 years?

Yes, or some such time.

1532. The fact being that the payment of that mortgage was by the reservation of 200*l.* out of the 300*l.* received by you?

Yes; he never pretended for a moment that the 5,000*l.* had been paid off. I will, with your Lordship's permission, resume my statement. It will be perceived that Mr. William Brougham did not, either in January or in June 1863, contemplate the entire repudiation and denial he now makes of the 5,000*l.* mortgage debt, and the trust as to the 300*l.* per annum. His answer from Nice fully recognizes my letter; the two letters must be read together, and Mr. William Brougham must be taken to admit every statement in my letter to him. He had either altogether forgotten these letters, which is hardly possible, or he trusted that they had not been kept by me. The letter was written for a particular purpose (as it shows of itself, that in the possible event of my death no one should know anything about this mortgage). Mr. William Brougham does not pretend to assert that the 5,000*l.* mortgage debt has ever been paid off or discharged in any shape or form. He endeavours to repudiate a just debt, money lent on the security of the Cumberland estate, upon the false ground that interest has not been paid thereon for upwards of 30 years, pleading the Statute of Limitations, or some more recent Act. Mr. Leman saw Mr. William Brougham early in September last, and proposed then to confer with him on the trust arrangement as to the 300*l.* per annum, the mortgage debt of 5,000*l.*, and the requirements contained in my letter to Mr. William Brougham of the 26th January 1863 in relation to the payment of interest thereon. He was cut short, however, at once by Mr. William Brougham declaring "that he knew nothing about it," and that "it was an arrangement made by his brother James," of which "he knew nothing." This surprised Mr. Leman, but after such a declaration he felt he could not further discuss the matter. Later in the day, however, Mr. William Brougham said to Mr. Leman, "It would be extremely inconvenient to Lord Brougham to pay off the 5,000*l.* mortgage at this time," thereby, in direct terms, acknowledging the mortgage to be Lord Brougham's debt. Upon this Mr. Leman replied, "That there could be no difficulty in getting the money if it should be called in, and if Lord Brougham should require it." Immediately after Mr. Leman's return to town a correspondence commenced between him and Mr. William Brougham, he (Mr. William Brougham) reiterating, in writing, his previous verbal denials of the existence of the mortgage debt, as also of the trust arrangement as to the 300*l.* per annum. The following are extracts from several letters addressed by Mr. William Brougham to Mr. Leman: "12 October 1864, Let me know as soon as you can on what footing the 1,200*l.* you refer to is to continue, as I do not choose to pay interest. I would, if necessary, make immediate arrangements for paying it off, and I should then surrender the policy for 3,000*l.* to stop the payment of 100*l.* a year which I have hitherto paid. Respecting the 5,000*l.* you mention in your letter I know nothing, &c. &c. (Signed) William Brougham." "14th October 1864, Lord Brougham has read over the drafts" (drafts of the assignment of the mortgage for 5,000*l.* sent by Mr. Leman to Mr. William Brougham), "and declares most positively that he knows nothing of the transaction, and that he owes no such sum."

1533. Earl of *Clarendon.*] Lord Brougham said this?

Mr. William Brougham said that Lord Brougham said this; it does not follow.

Mr. L. Edmunds.

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1534. Earl of *Malmesbury.*] You mean that it does not follow that he said it?

Yes; I believe he did not. The next extract is—"16th October 1864, I trust you "will believe that I have no wish to evade any obligation I may have bound myself to "fulfil, but I was no party, nor ever heard of the arrangement of 1833, referred to in the "statement I have received from you to-day. If I acted upon it subsequently it was from "information furnished by L. E." (meaning me). "Of one thing I am perfectly certain, "that Lord Brougham never at any time had any knowledge whatever of the matter" (that is very important). "But I neither can nor will make him" (meaning myself) "a present of 5,000*l.*"

1535. Lord *Stanley of Alderley.*] From whom is that last letter?

From Mr. William Brougham. A few days after the receipt of the last-mentioned letter (on the 16th of October) copies were sent through Mr. Miller to Mr. William Brougham of the letters above set out (26th and 30th of January), with the following letter addressed to Mr. Miller by Mr. Leman:

"My dear Sir,

I sent you, as you requested, copies of the Nice correspondence, and of W. B.'s letter to L. E. on the proposed arrangement on his resigning the Patent Office. You stated to me (quoting from two of W. B.'s letters to you) that the 9,000*l.* was paid over by L. E. to W. B., not for the benefit of John B.'s family, but for the purpose of paying off some of James B.'s debts. I do not see that if the latter were the arrangement it would place the transaction in a better light. But is it credible that James B. would have disclosed to L. E. that he was unable to pay his debts? And how has W. B. actually disposed of the money? He has received of L. E. upwards of 9,000*l.* Has he (W. B.) applied any portion of this large sum in payment of James B.'s debts? or has he applied it for the benefit of John B.'s family as L. E. intended, and as he understood from both James B. originally, and from W. B. on James B.'s death, that the office was held, as to 300*l.* per annum, in trust for John B.'s family? Your proposal to me was, if L. E. would consent to give up the 1,200*l.* borrowed of him by W. B. in 1845, the 5,000*l.* mortgage would be admitted as valid, and interest paid in future. Now this is really asking L. E. to pay W. B. 1,200*l.* in addition to the 9,000*l.* and upwards that he has already received from him, and is a proposition which I think W. B. must, on further reflection, see is a most unreasonable proposition on his part. Under W. B.'s representation of the arrangement as to the 300*l.* a year, L. E. would be entitled to ask of W. B. how the 300*l.* per annum has been disposed of up to this time? Moreover, I have a letter from W. B. stating that he intends to give up the policy on L. E.'s life, &c. &c.

To J. F. Miller, Esq. (Signed) JAMES LEMAN."

The following is an extract from a letter (24th October 1864) addressed by Mr. Miller to me.

1536. Lord *Taunton.*] Have you got the whole letter there?

I will put in the whole letter. I have only extracted a part of it here. I will put it in afterwards. It is a letter addressed by Mr. Miller to me; he, Mr. Miller, writing at the dictation of Mr. William Brougham:—

"Now, in order to put an end to all these matters, I would suggest that (say by 1st December) Mr. B. should pay off the 1,200*l.* loan, and that in extinction of the 5,000*l.* mortgage he should assign to you, or to whomsoever can give a release, the policy of insurance with all bonuses present and future, and should release you from all further payments in respect of the 300*l.* arrangement, which, estimating your life at only 10 years, is equal to another 3,500*l.*"

Mr. William Brougham here proposes that my sisters shall take a policy of insurance (selling value 1,200*l.* and no more) in payment of a just debt of 5,000*l.*, and suggests, as a further inducement to release me from all further payments in respect of the 300*l.* per annum. He thus distinctly recognizes both the mortgage and trust, values the 300*l.* per annum, and deals with the same as though it were an indefeasible annuity legally charged upon a freehold estate for his, Mr. William Brougham's, own benefit. The following is a copy of a letter from Mr. Leman to Mr. Miller:

"Lincoln's Inn Fields,

My dear Sir, 25th October 1864.

I have looked carefully into this matter. The money (5,000*l.*) is trust money, and it cannot, therefore, be dealt with in the manner you propose. If the policy were assigned it would not represent 3,000*l.* or any other sum, unless L. E. continued to keep it up.

It

Mr. L. Edmunds. 21st Mar. 1865.

It would not, however, I think, be unreasonable, if the policy were assigned, to take it, at its present insurance office value, in part payment of the mortgage debt of 5,000*l.* Some other arrangement, other than that you propose, must be made; and as these matters are difficult to write upon, it is obviously better that the arrangement to be made should be considered vivâ voce with you so soon as you return to town, and that no further delay should take place. I have again to repeat that there is no wish to call in the mortgage money, as the mortgage deed and title deeds of the estate now at Brougham, deposited by L. E. in my office in 1827, were sent from my office to Brougham in 1843 (evidently in mistake), together with other deeds belonging to Lord Brougham required for the purposes of the trial then pending. You will see the propriety of the same being returned to me, &c., &c.

J. F. Miller, Esq. (Signed) JAMES LEMAN."

Those deeds were found and returned. Mr. Miller found them.

The following is an extract from the letter (26th October 1864) from Mr. Miller to Mr. Leman, also written at the dictation of Mr. William Brougham:

" Can you, while I am here, suggest anything for me to propose to Mr. William Brougham, with a view to induce him to make himself responsible for the 5,000*l.*, on the footing of paying it at L. E.'s death, without interest in the meanwhile."

The following is a copy of a letter from Mr. Leman to Mr. William Brougham:

" 51, Lincoln's Inn Fields,
27th October 1864.

My dear Mr. Brougham,

This correspondence with Mr. Miller should be stopped at once. The only question is, did Lord Brougham sign the deed of mortgage for the 5,000*l.* in 1811. If so, that mortgage is now in force, is vested in the trustees and executors of the late Mr. Edmunds, at the present moment is a charge on the Cumberland estates, and the money itself is held in trust for L. E.'s sisters, for whom he is a trustee. How, therefore, can he give up the interest on the 5,000*l.* for his life as you propose? Under the past arrangement as to the 300*l.* in having paid for you the interest of the 5,000*l.* to his sisters (200*l.*), and the 100*l.* a year to yourself, he has actually saved you or paid to you in the 31 years 9,300*l.*; and one year with another for the first 20 years—such were the expenses of the office—he did not himself receive one shilling of emolument in return for the very large money and other responsibilities of the office. In truth, the services and responsibilities were entirely gratuitous, for the sole benefit of others, who had all the profit, and neither responsibility nor risk. As I commenced this letter, I must again repeat further correspondence and investigation into this matter can be but most mischievous, and must at once be stopped. I have ascertained the exact value of the policy at the office on a present surrender to be 1,200*l.*, &c. &c.

William Brougham, Esq. (Signed) JAMES LEMAN."

From that time all correspondence ceased between Mr. Leman, Mr. William Brougham, and Mr. Miller; but various verbal propositions and communications have been since made by Mr. Miller to Mr. Leman on the part of Mr. William Brougham, and as his mouthpiece, and quoting his (Mr. William Brougham's) letters, but without any result in effecting an arrangement. At an interview on the 7th November Mr. Miller stated to Mr. Leman that he had authority from Mr. William Brougham to settle the terms of a memorandum on the question of the required acknowledgment of the mortgage debt, such memorandum to be signed and exchanged. Accordingly a memorandum was drawn, and transmitted to Mr. William Brougham for signature through Mr. Miller. Mr. William Brougham has signed the memorandum, but has refused to deliver it, except upon the terms proposed by him as herein-after stated. It is now in Mr. Miller's possession. The propositions made by Mr. William Brougham, as above stated, that my sisters, the parties entitled to the 5,000*l.* mortgage debt, should take a policy of insurance of the value of 1,200*l.* in full payment thereof, having been peremptorily rejected, a second proposition was made by Mr. William Brougham, also through Mr. Miller, viz., that he (Mr. William Brougham) would formally acknowledge the mortgage debt of 5,000*l.* belonging to my sisters on the condition that I would consent to forego payment of Mr. William Brougham's debt to me of 1,200*l.*; in other words, requiring that I should make Mr. William Brougham a present of 1,200*l.* (in addition to the 9,300*l.* already extracted from me under the false pretences of the trust) as an inducement to Mr. William Brougham to pay this just debt of 5,000*l.* due to

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other people. This second proposition was as peremptorily rejected as the first. The next proposition (24th November), also conveyed through Mr. Miller, was to the effect that he, Mr. William Brougham, would procure from Lord Brougham a formal admission of the validity of the mortgage debt of 5,000*l.* on condition that I would consent to give up possession and control of all letters and documents being the evidences not only of the mortgage debt, but of all the transactions relating to the 300*l.* per annum and the trust thereof. This proposition was also rejected, and a Bill of Foreclosure in Chancery was suggested by me. Mr. William Brougham thereupon proposed a reference, also through Mr. Miller, to which I agreed, and Lord Cranworth was mutually appointed arbitrator. The questions to be decided were agreed to by both parties, and the same are set out in his Lordship's award."

1537. Earl of *Derby.*] There is nothing else that you wish to lay before the Committee, except the award, is there?

Yes, there is another paper.

1538. Lord *Taunton.*] Will you read the award?

"Whereas by an agreement in writing, under the hands of William Brougham and Leonard Edmunds, the said William Brougham having signed the same on behalf of himself and Lord Brougham, it was agreed to refer all questions and disputes between them the said Lord Brougham, William Brougham, and Leonard Edmunds to the award of me, Robert Monsey Lord Cranworth, and the parties to the said reference having agreed that the subjects so submitted to me were embraced under three heads, i.e., first, whether Lord Brougham is liable to the payment of all or any part of a sum of 5,000*l.* secured by a mortgage dated in 1811, or the interest thereof; secondly, whether William Brougham is liable to Leonard Edmunds in respect of a bond for 1,200*l.*, dated in 1845; and, thirdly, whether William Brougham is liable to repay to Leonard Edmunds all or any part of a sum of 9,300*l.* alleged by Leonard Edmunds to have been paid or accounted for by him to William Brougham as a trustee for the family of John Brougham, deceased, but which William Brougham has not applied on any such trust. Now, having taken on myself the burthen of the said reference, I decide as follows: First, as to the said mortgage, I decide that Lord Brougham is liable to repay the principal sum of 5,000*l.* thereby secured, with interest thereon from the 24th of June 1864, up to which time all parties admit that interest has been paid. I come to this conclusion on the facts as stated by Lord Brougham and William Brougham. I place entire confidence in what Lord Brougham states, namely, that he did not receive any part of the 5,000*l.*, and had altogether forgotten that any such mortgage existed. But his brother James Brougham joined in the mortgage, and Lord Brougham and James Brougham jointly and severally covenanted with the mortgagee for payment of principal and interest. James Brougham died at the end of 1833; but shortly before his death he came to certain arrangements with Leonard Edmunds, under which it was stipulated that Leonard Edmunds should thenceforth pay the interest on the mortgage (200*l.* per annum) which James Brougham was by virtue of his covenant bound to pay. Leonard Edmunds has accordingly regularly paid this interest, which I consider to be the same thing as if James Brougham, one of the parties liable, had himself paid it. The mortgage, therefore, is clearly a subsisting mortgage, valid against Lord Brougham, who, though appearing on the face of the deed to be the principal debtor, was, I have no doubt, merely a surety for his brother James. Secondly, with respect to the 1,200*l.* bond there is no dispute. William Brougham is clearly liable to the payment of the 1,200*l.* thereby secured, with interest from the 24th of June 1864, up to which day it is admitted that all interest has been paid. Thirdly, as to the 9,300*l.* claimed by Leonard Edmunds, I decide that he has no right to recover any part of it. He says it is the amount of payments of 300*l.* per annum, which for the last 31 years he has paid to or on account of William Brougham as a trustee for the family of John Brougham, but which sums William Brougham has appropriated to his own use. William Brougham admits the receipt of 100*l.* per annum, but no more; but he denies that he received it as a trustee for the family of John, or on any other trust, though it was well understood between him and Leonard Edmunds that it should be made available towards the liquidation of the debts of James; and accordingly it is established that in the year 1840 William Brougham effected a policy on the life of Leonard Edmunds for 3,000*l.*, and he has ever since applied the 100*l.* per annum (within a small fraction) to keep alive the policy, and so form a fund for payment or towards payment of the 5,000*l.* at Leonard Edmunds' death, when his payment of the interest would cease. I do not think it necessary to pursue any investigation as to this part of the matters referred to me, for even taking the

the facts to be as represented by Leonard Edmunds, they do not give him a right to recover back from William Brougham money which he holds as trustee for the family of John. If the facts be as Leonard Edmunds represents them to be, the family of John may have a claim on William Brougham which this award cannot reach.

Dated this 26th day of January 1865. (Signed) CRANWORTH."

1539. Earl of *Clarendon.*] Is there anything more that you have to state?

Lord Cranworth sent a paper of questions to me.

1540. Duke of *Somerset.*] That was before the award, was not it?

Yes; that was before the award. I should like to put it in. I wish to have these papers put into the notes of the evidence, with my answers to the questions.

The same are handed in. (*Vide Appendix B., page* 383.)

Ordered, That the Committee be adjourned to Thursday next, Twelve o'clock.

Die Jovis, 23° Martii 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Mr. WILLIAM BROUGHAM is called in, and having been sworn, is examined as follows:

Mr. W. Brougham.
23d Mar. 1865.

1541. *Chairman.*] You have made a formal application to me, as Chairman of this Committee, have you not, informing me that in consequence of an article you had read in the "Times" you have left Cannes without an hour's delay, and have come to London, and that you demand to be examined before this Committee upon the subject of the rumours alluded to in that article?

That is so. I read a newspaper giving an account of a debate in the House of Lords on Tuesday the 7th of March. I read that at two o'clock, and I left Cannes at half-past three. I travelled 39 hours without stopping, and arrived in London on Saturday night; and on Sunday morning, as soon as I had dressed, I wrote the letter which your Lordship has referred to, and left it myself at Bruton Street.

1542. Have you had an opportunity of seeing the transcript of the Shorthand Writer's notes containing the evidence of Mr. Edmunds bearing upon yourself?

I have scarcely had an opportunity of looking at it, certainly not of reading it carefully. But I have come here first of all to state to the Committee on behalf of Lord Brougham his great sorrow that he is quite unable to attend here, because he cannot travel at this time, partly on account of the state of his health, but chiefly on account of the state of the weather. He has, therefore, requested me to give to your Lordships this statement, which followed me to London, (for there was no time to do anything at Cannes,) and which I received the following day. Your Lordship will understand that this is a statement written by Lord Brougham, and sent to me.

The witness is directed to withdraw, and after a short time is again called in.

1543. Does the statement which you have told the Committee you received from Lord Brougham relate merely to the possibility of his attending the Committee, or does it go into the merits of the case?

It says how sorry he is that he has been unable to attend the Committee, and that if he had been here he should have made the following statement. I do not mean that those are the words, but that is the effect of it. It is in fact a statement of what he considers his answer to the case as it was then presented to him.

1544. I am directed by the Committee to state to you that they are most desirous to hear anything that Lord Brougham has to say, or that he thought necessary for this

 inquiry;

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inquiry; but that they regret not to be able to receive the statement in its present form, because it would be on a totally different footing from any other evidence which has been tendered to the Committee in the course of the examination, and they suggest that if Lord Brougham thinks it desirable that this statement should be made it should be made in the form of an affidavit, and sent to the Committee, before it closes its proceedings?

That could be perfectly well done, and in fact it would be convenient, for these reasons; that there were parts of the case that Lord Brougham was not aware of till after the first statement was drawn up, and which he did not become aware of till Friday the 10th of March. Those parts of the case he answered by telegram, afterwards sending a letter repeating the telegram to identify it, and requesting me to lay the telegram and letter before the Committee.

1545. Earl of *Malmesbury.*] Has Lord Brougham seen these statements in Mr. Edmunds' evidence?

No; he knows nothing of the case.

1546. *Chairman.*] The Committee do not wish to hurry you in the least; and therefore if you wish to have more time before they examine you they will be quite willing to give you that time?

As far as I can see, from slightly looking over this document, I have no doubt that there are many parts of it which it would be very desirable that I should have a little time to answer, because I may not be able, extemporaneously, to give an answer that would be either satisfactory to your Lordships or to myself; but as far as regards the general charge that has been made, and which I have gathered rather from the newspapers than from Mr. Edmunds' evidence, that Lord Brougham or I have benefited in any degree by any payments made by him, I am perfectly ready to go into that part of the case now, and to answer any questions that the Committee may choose to put to me, or to give any information within my knowledge and belief.

1547. Earl of *Derby.*] Before you proceed to that part of our inquiry, will you allow me to ask you whether you recollect having had a communication with the Lord Chancellor, quite at the beginning of November, with regard to Mr. Edmunds' suggested resignation of the office of Reading Clerk in the House of Lords?

I perfectly recollect having had a communication.

1548. Do you recollect writing to the Lord Chancellor yourself upon that subject?

Certainly. I cannot tell the date; I should say it was somewhere about the end of October, or early in November.

1549. Have you a copy of the letter that you wrote to the Lord Chancellor upon that occasion?

If I have it is in Westmoreland. I do not think I kept a copy.

1550. What was the purport, to the best of your recollection, of that letter?

It was this. Sometime in the month of October, I believe towards the end of October, Lord Brougham said to me, "Notwithstanding all the proceedings of Mr. Edmunds, "I am very loth to think he should be utterly ruined. Can anything be done to save him "from beggary, notwithstanding the disgraceful way in which he has behaved." Your Lordships are aware that there had been a very long and intimate connection between Lord Brougham and Mr. Edmunds. Mr. Edmunds had lived in Lord Brougham's house for upwards of 30 years, had boarded and lodged in his house for upwards of 30 years, where he had been his confidential, I may almost say, secretary, at any rate friend and secretary, during that long period; and I need not tell your Lordships that nothing ever happened to Lord Brougham that so completely knocked him down as the discovery of Mr. Edmunds' defalcations. I do not think he recovered it for weeks; and I can answer for this, that during the three months that he was in Westmoreland he never mentioned Mr. Edmunds' name to a single member of our family, except to myself. He said on the occasion I am referring to, "Can anything be done to save him from utter ruin?" He went on to say, "My opinion is, that he ought to resign his office, and take his chance of a pension; "because I am persuaded that if he takes his place at our table" (meaning the table of the House of Lords) "the Lord Chancellor will refer the case to the Office Committee, and "he will lose both place and pension; therefore I wish you would write to Mr. Leman, "and suggest this step." I believe I did, but I have no very distinct recollection of that. He afterwards suggested that I should write to the Lord Chancellor for the purpose of obtaining his good offices. I thereupon wrote very much to this effect: "My brother

"and

" and I have been thinking over Mr. Edmunds' matters very seriously. He is decidedly " of opinion, and I quite agree with him, that his best and wisest course would be to " resign his office at the table, and take his chance of a pension." I believe it was in that letter I referred to some disagreeable passages which had taken place between Mr. Edmunds and the Lord Chancellor, and said something to this effect: " Notwith- " standing all that you have had to complain of on the part of Mr. Edmunds, I hope you " will show Christian charity, and help him in this matter," I received an answer to this effect——

1551. Lord *Chelmsford.*] Have you got the answer?
Not in my pocket. I dare say I can find it.

1552. Earl of *Derby.*] Have you got the letter somewhere in your possession?
I have no doubt I have. I did not destroy it. I have no doubt I can find it.

1553. It is very important that we should have it?
I have no doubt I have it somewhere. When I get home I will look for it at once. The purport of it was this: The Lord Chancellor distinctly said to me that he would do what he could, with propriety, to help him. There was some such expression as this: " I will do what I can, with propriety, to help him."

1554. *Chairman.*] To help him to what?
To help him to a pension or something. This is a private letter from the Lord Chancellor to me. I do not know whether I ought to produce it, or indeed whether you can compel me to produce it?

1555. Lord *Chelmsford.*] Upon what ground do you think that the letter ought not to be produced?
I am only putting the question to the Committee. I say it is a private letter. I am making no charge either against the Lord Chancellor or anybody else here.

1556. Earl of *Derby.*] Are you aware that in consequence of that letter received from you, whether private or not, the Lord Chancellor made an appointment to see Mr. Leman, as Mr. Edmunds' solicitor?
No. I do not know about what time your Lordship refers to.

1557. Within a day or two of the time when the letter was written?
I do not think I knew anything about it. Your Lordship is aware that I was in England, in consequence of the death of Lady Brougham, and afterwards I went abroad, so that I was not in the way of hearing things.

1558. Did you receive, subsequently to the 4th of November, a letter from Mr. Edmunds direct, or through Mr. Miller, complaining of your having made that unauthorized application to the Lord Chancellor?
No. I received no such letter, certainly. Mr. Miller may have received such a letter, and may have told me of it or not, but I really do not recollect. Mr. Miller will be able to give you that information.

1559. Did you not in consequence of that communication, whether made directly to yourself or through Mr. Miller, write to Mr. Leman, explaining upon what ground you had written to the Lord Chancellor, and what was the nature of the Lord Chancellor's answer to you?
Yes; I am sure that I did. I have a perfect recollection of writing to Mr. Leman. I do not know whether I have got a copy of that letter. I do not remember the date of it.

1560. We have the letter before us. The date is the 6th of November 1864?
That would agree with my recollection.

1561. Lord *Chelmsford.*] Will you look at this letter, and see whether you can verify it. It is in question 1323?
Yes. It says, " I had certain knowledge" (that is true) " that the Lord Chancellor was not likely to withhold the subject of the Patent Office from the House of Lords." Here is a quotation from the very letter I seem to have written.

1562. Earl of *Derby.*] Can you verify that quotation by the production of the original letter from which the quotation is taken?
Yes. I see that I wrote to him (Lord Chancellor), " If you think, looking at all the " circumstances of the case, that Mr. E.'s wisest course is to resign, and petition the " Parliament Office Committee to be allowed to retire on a pension, and if you will

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" do what you can to help him to a pension I will advise him to resign." (I have no doubt that is correct; it perfectly agrees with my recollection.) His answer was, that it was not for him to offer an opinion, but that " if Mr. Edmunds resigns I will do " all I can with propriety " (that is exactly my recollection) " to obtain for him a " pension, and I can certify with truth that he has perfectly well performed all the " duties of the office he holds in the Lords'." That last passage was in the letter, but it was in a postscript, therefore, so far as the arrangement of the letter goes, this is not quite correct.

1563. That was read as the original letter?
The original letter, if it is anywhere, must be in my possession.

1564. Do you mean that in the Lord Chancellor's letter this passage must have been in a postscript?
Yes. It is all correctly stated, as far as I remember. Certainly this is correct, " I will " do all I can with propriety to obtain for him a pension." After that he mentioned some papers that he was going to send me, and then, in the postscript, after signing his name, he said to this effect: " I can certify with truth that he has perfectly well performed all " the duties of the office he holds in the Lords'." That was in the letter, I have no doubt and that I received such a letter I have no doubt. I dare say I can find it, if the Committee wish to have it. Am I to understand that if I can find it, the Committee order it to be produced?

1565. Certainly?
I wish it to be understood that I do not tender it.

1566. Viscount *Hutchinson.*] I wish to call your attention to the expression " certain knowledge." You used those words in your letter?
Yes; those words are in italics.

1567. Had you received from the Lord Chancellor, before you wrote to him in the beginning of November any communication, intimating his intention to bring the matter before the House of Lords?
I really cannot recollect whether it was by letter or by word of mouth, but it was one or the other; either by letter or verbally; I cannot recollect which.

1568. Earl of *Malmesbury.*] From the Lord Chancellor himself?
Yes; from the Lord Chancellor himself, expressing his intention of bringing the Patent Office defalcation question before the House, or rather I should say before a Committee.

1569. Earl of *Clarendon.*] Did you understand that he would bring the question before the House, or that he would take the opinion of Lord Cranworth and Lord Kingsdown upon it, as to the course which he should pursue?
As long ago as August Mr. Leman told me that the Chancellor had sent the papers to Lord Cranworth and Lord Kingsdown. I am not sure that he did not also say Lord Chelmsford. On recollection, I think it was to Lord Cranworth and Lord Kingsdown. I understood that he had afterwards told them of it in a Committee of the House, and that he had done that for the purpose of taking their advice, as to whether it was not his duty as Lord Chancellor to bring the matter to the knowledge of the House, with a view to remove Mr. Edmunds from the table.

1570. Lord *Taunton.*] At that time did you understand him to suppose that he could himself remove Mr. Edmunds, or that it would be necessary for him to consult the House of Lords?
The understanding, as expressed to me, was that the Clerk at the Table was recommended to the House by the Lord Chancellor for the time being, and that the House had to accept him, and if it accepted him that made the appointment an appointment by the House, consequently he could only be removed by the House.

1571. Duke of *Somerset.*] When were you first aware of Mr. Edmunds' defalcation in the Patent Office?
I was in Westmoreland early in August, and on the 7th August I received a letter from Mr. Leman, whom I ought to inform your Lordships has been my brother's and my confidential solicitor for upwards of half a century, saying that Mr. Edmunds had got himself into a dreadful mess with the Patent Office Accounts, and asking me to come up to London without delay, to advise them what they ought to do. I was unable to go, but received a second letter upon the matter, urging me so strongly to come, saying that my coming to London might be his salvation, that I put myself into the train, and reached London on the evening of that day. On the 11th August Mr. Leman met me, accompanied

accompanied by Mr. Miller, whose name, I believe, your Lordships have heard [he is the Chief Registrar of the Court of Bankruptcy], in a room at Arthur's Club, and he there told me, that inquiries which had been going on for many weeks before Messrs. Greenwood and Hindmarch had resulted in the discovery of large sums owing by Mr. Edmunds to the Treasury, which he had not paid over or accounted for. I was perfectly thunderstruck; and I said to Mr. Leman, "If there is an honest man in this world I believe it to be "Leonard Edmunds. There must be some mistake." However, he said, "No; the thing 'is too plain. We are now investigating the accounts." "Well," I said, "You have brought "me to London for very little purpose, for I have no advice to give in a case of this kind. "Let him find out what he owes, and pay it." I went home the next day; that is the 12th of August. A short time after that I received another letter from Mr. Leman, stating that the accountant employed by Mr. Edmunds had made out his defalcations, and that they amounted to 7,872*l.* (I cannot be quite certain of the exact sums, but it was somewhere about that), and which sum he was most anxious to pay over. That he, Mr. Leman, had made two applications to the Treasury for leave to pay this money in, and to his great surprise they had refused to receive it, or to give him what is called a receivable order. I said, What can be the meaning of that? Mr. Leman said it is because they are afraid that if they accept the money they will so far condone the matter as to deprive themselves of the power of asking for interest; it is therefore on every account desirable that the money should be paid in, for if he has to pay interest upon it it will amount to nearer 12,000*l.* than any other sum. At his earnest request——

1572. Earl of *Clarendon.*] That is to say, at Mr. Leman's earnest request?
At the earnest request of Mr. Leman (I had never seen Mr. Edmunds since the 11th August), I wrote to the Chancellor of the Exchequer, asking him if he would allow them to throw no difficulties in the way of Mr. Edmunds paying the money, because it was very important for his case, with reference to his office in the House of Lords, that he should not appear before the public as a defaulter.

1573. Duke of *Somerset.*] Who wrote that letter you are speaking of?
I did.

1574. To whom?
To the Chancellor of the Exchequer; saying that it was very desirable that he should be allowed to pay this money into the Treasury, in order that if any question arose upon his office in the House of Lords he should not appear to be a defaulter.

1575. *Chairman.*] When did you write that letter?
I will tell you the exact date; it was sent the 18th of September. I know it from this circumstance, because Mr. Leman came down to Brougham on Saturday the 17th, and remained over Sunday, showing me Mr. Edmunds' answer to Messrs. Greenwood and Hindmarch's Report, and left us on Monday morning the 19th September. I remember that particularly, because the 19th of September is Lord Brougham's birthday.

1576. Earl of *Derby.*] Mr. Edmunds put in his answer on the 20th of September?
Yes; and the reason why Mr. Leman hurried back to London was that he might send it on the 20th to the Lord Chancellor. I added in my letter to the Chancellor of the Exchequer, at Mr. Leman's dictation, "Pray understand that this payment will be made "without prejudice to any question the Treasury or the Exchequer may raise hereafter "respecting Mr. Edmunds' accounts, or anything relating to them." I received an answer from the Chancellor of the Exchequer shortly after, saying that directions should be given to permit Mr. Edmunds to make the payment, and accordingly, within a very few days of that time, certainly before the end of September, as I understand from letters from Mr. Leman, the money was received by the Treasury.

1577. Duke of *Somerset.*] Do I rightly understand that you wrote that letter out of consideration for Mr. Edmunds, although at the time you considered that Mr. Edmunds had been guilty of those defalcations?
Certainly; but I always believed in my own secret soul that he had a good answer to give for it, and a good explanation, and that he was not dishonest. I, therefore, wrote that letter to save him, as far as I possibly could.

1578. Did you assist Mr. Leman in preparing for Mr. Edmunds a reply to the charges which appeared against him in the Report of Messrs. Greenwood and Hindmarch?
Only thus far; Mr. Leman brought Mr. Edmunds' answer to Brougham on Saturday the 17th of September, and on Sunday the 18th I went over it line by line with

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Mr. Leman, and the only thing that I did was to strike out several very offensive expressions, which seemed to me personally offensive to Messrs. Greenwood and Hindmarch. That was all I did. I could not alter his facts, of course. Your Lordships ought to be aware that Lord Brougham was most anxious to hear this statement, and know what Mr. Edmunds' answer was, because he looked upon all this as a family misfortune. Upon seeing it, he said, " Now I must give him up; he must leave " Grafton Street." And he was turned out of Grafton Street immediately afterwards. Hinc illæ lacrymæ.

1579. I find it stated in your letter of the 6th of November to Mr. Leman, which has been already read, " You must feel that I am as anxious, or more anxious, than any one, " except Leonard Edmunds himself, that he should keep the place in the House of " Lords rather than get a pension, but my fear is that in attempting this he will " lose all ?"

Yes, just so.

1580. That again you wrote out of consideration for Mr. Edmunds ?

Purely out of kind feeling to him, and the dread that I had that if he went into beggary his sisters and a brother he has in Lisbon I believe would suffer with him.

1581. Viscount *Hutchinson.*] Still referring to your letter to Mr. Leman of the 6th of November, you state, " It therefore appeared to me, as soon as the above certain " information reached me, that by suggesting to the Lord Chancellor a quiet resignation " he would at once help on the pension question, because he could then get the place " for his son without any stir on his own part." Had you any reason to believe at that time that the Lord Chancellor intended to give the place to his son ?

No, I cannot say that I had. I had had no communication from himself upon the subject. I think it was only my own conjecture, as the probable result of the resignation. I was quite sure he would not give it to me. I think it was my own conjecture. I certainly had no communication from him, saying, I want the place for my son, or anything of that sort; it was merely a probable assumption.

1582. *Chairman.*] You are aware that Mr. Edmunds stated that he was appointed to the office of Clerk of the Patents in August 1833 by Lord Brougham, and that your brother, Mr. James Brougham, was the medium of communication ?

Yes.

1583. He states also that he was informed by Mr. James Brougham at the time of his appointment that the office was intended for the eldest son of Mr. John Brougham, then deceased, another brother of Lord Brougham, and that as he was not old enough to hold it himself Mr. Edmunds was to take it in the meantime, in trust for the benefit of the widow and five children of Mr. John Brougham. He stated further, that he was directed by Mr. James Brougham to pay to him, or to account to him, for the purposes of the trust above mentioned, for the sum of 300*l.* annually out of the above-mentioned salary; in fact what he states to be the whole of the available salary; and that he was also directed by Mr. James Brougham to retain in his own hands 200*l.* per annum out of the 300*l.*, and to apply that sum in payment on Lord Brougham's account, of the interest on a mortgage for 5,000*l.* which he afterwards referred to, and then subsisting (the date being 1827), and assured on Lord Brougham's Cumberland estate, and to pay over the balance of 100*l.* to Mr. James Brougham in half-yearly payments for the purposes of the above-mentioned trust. He stated that this was a verbal understanding, and not a written trust. He stated afterwards that Mr. James Brougham died at Christmas 1833, a few months after this transaction, and that consequently no payment in money was made to him. That Mr. James Brougham paid the interest on the 5,000*l.* mortgage on Lord Brougham's account, and as his agent, to Mr. Leonard Edmunds, regularly from 1827 to the middle of the year 1830. He stated also that immediately after the death of Mr. James Brougham, early in 1834, you came to him, and opened the subject, showing a perfect knowledge of the above-mentioned trust arrangement, in all its details. Is that according to your recollection of what passed ?

My most distinct recollection of what passed is the very opposite of this statement. I never knew of the arrangement. I never even knew that Mr. Edmunds was appointed Clerk of the Patents till sometime after he received that appointment. I have no doubt in my own mind that he received the appointment upon the application and probably at the earnest request of my brother James, who had great influence with my elder brother; but I firmly believe that Lord Brougham knew nothing of any bargain between my brother James and Mr. Edmunds; however, that is rather for him to say than for me. I can on my oath state distinctly that I knew of no such bargain, and that the first information

I ever

I ever had of this arrangement was Mr. Edmunds coming to me in the dining-room in Great Stanhope Street, where my brother, then the Lord Chancellor, lived, and telling me that he had undertaken or agreed (I forget the word, but that was the meaning of it,) to pay 300*l.* a year to the relief of my brother James' debts and liabilities.

1584. Lord *Taunton.*] At what time was that?

I have tried to remember the time, and I cannot fix it; it was either immediately after term in November 1834, or it was before the Court rose in August 1834, but I cannot recollect which; my present impression is, from the recollection of the rainy weather, that it was in November, and not in August; and if so, then it must have been the first day of term.

1585. *Chairman.*] Mr. Edmunds states that you adopted and endorsed the arrangement of 1833 in all its particulars?

In Stanhope Street he told me that he had arranged or agreed to pay this sum, and that it was to be applied to relieve the debts and liabilities of my brother James; that he was to pay 200*l.* a year towards the interest on a mortgage (he never told me what mortgage), and that he was to have paid the remaining 100*l.* a year direct to my brother James, but as he was dead he would now pay it to me, to be applied for the same purposes. At that time I had been engaged ever since January 1834 in the disentanglement and investigation of his very embarrassed affairs.

1586. Viscount *Hutchinson.*] Whose affairs do you refer to?

My brother James'. I agreed with Mr. Edmunds that I would apply this 100*l.* in the way he proposed, and from that day to this it has been so applied, and for no other purpose. For the first four or five or six years, I now forget exactly how many, it was applied to make up a deficiency in the interest of a mortgage arising from a falling off in the rents of a mortgaged estate, an estate belonging to my brother James in Cumberland. I myself, in consequence of the mortgagee being a widow lady, to relieve her from all anxiety, and all risk which would have happened if I had died, paid off 3,000*l.* myself of that mortgage, which was originally a mortgage of 8,000*l.*, thereby so reducing it that the interest should be less than the rents. That liberated the 100*l.* I then saw Mr. Edmunds, and told him what had happened, and I said, "I am now about to effect "a policy of insurance for the largest sum that the 100*l.* will cover upon your life, to be "applied on your death, when the payment of 200*l.* a year, in respect of interest of the "mortgage debt, ceases."

1587. Earl of *Derby.*] What mortgage debt?

I did not know. I only knew that there was a mortgage debt; that was all that was ever stated to me. It was not till the 20th of last October that I ever knew what the mortgage debt was. I said that the insurance money was to be applied in reduction of the principal of that debt. He thought it was an excellent arrangement, and that arrangement continued from that time to this.

1588. *Chairman.*] In accepting this arrangement with respect to the payment from Mr. Edmunds, did you ask him at all what consideration your brother had given to induce him to set apart this portion of his salary?

No; I made no inquiry. I took the statement as he gave it me. I did not know what money transactions there had been between them. I never made any inquiry on the subject.

1589. Lord *Chelmsford.*] Was not there a mortgage for 5,000*l.*, executed in the year 1811, upon your brother Lord Brougham's estate, to the two Miss Robinsons?

It was in law upon his estate, but the estate was not really his. He executed a mortgage in 1811 upon it.

1590. Was that mortgage afterwards transferred to Mr. Edmunds, upon his advancing the sum of 5,000*l.*?

I discovered for the first time last October that it was so transferred. I never knew the fact before.

1591. Viscount *Hutchinson.*] Did you not yourself execute one of the indentures endorsed on that mortgage?

Yes; but I did not know what the deed was. I never read the deed. My name was merely used as a trustee. It was necessary to interpose a trustee to effect that transfer of the mortgage, and then the deed was brought to me, and I was told by Mr. Vizard, our solicitor, that I was merely required to sign it as a trustee; and I signed my name

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upon the mortgage, without inquiring further. I never saw the contents of the deed until we found it in the muniment room at Brougham on the 20th of October last.

1592. Lord *Chelmsford.*] Did you not know that 200*l.* out of the 300*l.* a year which was to be applied to satisfy Mr. James Brougham's debts were applied in payment of the interest upon that mortgage?

No. I only knew what Mr. Edmunds stated to me, that he had retained or applied 200*l.* a year in payment of the interest of a mortgage. I never doubted but that it was, as it turned out to be, a mortgage debt of my brother James's, and nobody else's.

1593. You continued to receive, as I understand, the 100*l.* a year from Mr. Edmunds, down, I suppose, to the latest period. To when did you continue to receive it; to June 1864?

Yes; you may call it the whole sum. The other payment had really nothing to do with this. You may treat it as the whole snm of 100*l.* a year.

1594. I believe Mr. Edmunds afterwards advanced you a sum of 1,200*l.*?

Just so.

1595. And then 42*l.* a year out of the 100*l.* was retained by him, and 58*l.* paid over to you.

Just so.

1596. When was that loan made?

I do not recollect. It was 20 years ago. It was for no purpose of my own; but there were reasons why the money had to be borrowed, and therefore I borrowed it, and made it my debt; but I never received the money on my own account.

1597. What was the reason which led you to effect the insurance on Mr. Edmunds' life?

In order to carry on the trust application (for you may call it so) of the 200*l.* a year or 300*l.* a year; rather to relieve the embarrassments or liabilities of my brother James' estate. Upon Mr. Edmunds' death that payment would have ceased. Effecting, therefore, an insurance for as large a sum as 100*l.* a year would cover would produce at his death something towards the relief of that debt. It would not pay the whole of it, but it would go towards it.

1598. Did I understand you to say that you had advanced a sum of 3,000*l.* to relieve an estate?

That is another estate; it had nothing whatever to do with this.

1599. Was that the estate in which your brother James was interested?

Yes; it was an estate in which my brother James was interested.

1600. You advanced a sum of 3,000*l.* to relieve that estate of that amount, leaving a mortgage upon it of 5,000*l.*?

Yes; that is a different affair; that mortgage still exists.

1601. Of course you were entitled to the interest of the 3,000*l.*?

Yes; but I have never received it.

1602. You did not apply the 100*l.* in the first instance, and the 58*l.* afterwards, in satisfaction of that or any other debt which was due to you from your brother James' estate?

No; that I gave; it was a gift.

1603. Have you applied it towards the satisfaction of any other debt due to you from your brother James' estate?

I had a legal right to it, because I took a transfer of the mortgage security, which is not worth the parchment it is written upon, for the estate is insufficient to pay off even the 5,000*l.*

1604. Have you paid your brother James' debts?

I am sorry to say, Lord Brougham and I have paid a very large amount of them; and at this moment there remains a good deal unpaid.

1605. I do not wish to inquire more than is absolutely necessary; but can you state, generally, to about what amount you have yourself paid the debts of your brother James?

There is 8,000*l.* that I can recollect at once; but there is a good deal more; in fact, it is very difficult for me to say how much, for it has been spread over 30 years. I know this, that it obliged me at once to go out of Parliament, and give up any idea of public life,

life, because I found that the millstone was of such dimensions that I had no hope of shaking it off, except by devoting myself to it, and nothing else. This matter has continued over such a long period of years, and will continue so long still, that I cannot give an answer to the question. I can remember 8,000*l.* at once.

1606. Lord *Clarendon.*] Paid by yourself?

Paid by myself; my brother has paid more. I remember one amount of 12,000*l.* at this moment that he paid, for which he can never have any security.

1607. Lord *Chelmsford.*] Were there two mortgages of 5,000*l.*

No; there was one of 8,000*l.*, which was afterwards reduced by my payment of 3,000*l.* to 5,000*l.*, and another that turns out to be a mortgage of 5,000*l.*, the particulars and history of which I only knew for the first time last October. I knew that there was a mortgage, and that the interest upon it was 200*l.* a year, and I conjectured that the amount of it was 5,000*l.*

1608. Were you then not aware of the transfer of that mortgage in 1827?

No; I was aware that a mortgage had been transferred, but I did not know what it was. I took it to be purely and simply a mortgage of my brother James'.

1609. You knew that a mortgage of 5,000*l.* had been transferred to the executors of Mr. Edmunds' father, did you not?

I cannot say that I did. Mr. Vizard said to me, "Your name is wanted as a trustee upon the transfer of a mortgage of your brother. Will you sign this?" and I signed it at once. I never saw the name "Edmunds" upon it. I never read the deed; it was not a new deed; it was done by endorsement upon the original mortgage. I saw and read that deed for the first time on the 20th of last October.

1610. That is the mortgage that Lord Cranworth, by his award, has decided that Lord Brougham is liable to pay, is it not?

Yes; as surety.

1611. Earl of *Derby.*] Out of the 300*l.* payment which Mr. Leonard Edmunds has made from the period of his holding that office, so far as you know, 200*l.* have been applied to keeping down the interest of that mortgage for which Lord Brougham was liable?

So it would appear; of the mortgage for which he was made liable as surety.

1612. The remaining 100*l.* being placed in your hands for the purpose, as you state, of contributing to pay off your brother James' debts?

Yes.

1613. As Mr. Leonard Edmunds says, upon the understanding that it was to go for the relief of the widow and children of your elder brother John?

That I heard the other day for the first time. These things never were mentioned before. If such a proposal had been made to me by Mr. Edmunds in 1834 I should have peremptorily rejected it. I should have received no money from him, or from anybody else, for their relief, because I considered myself bound to take care of them, as I have done, not by getting them offices in the State, but by sending them out to India and Australia.

1614. Why was there greater objection to applying a portion of the income of a public office to the relief of the widow and children of your brother John than to the payment of the debts of your brother James?

I should have felt it more as a matter of personal feeling.

1615. Lord *Chelmsford.*] With reference to this 100*l.*, the remaining part of the 300*l.* a year, 42*l.* of that sum was retained by Mr. Edmunds as the interest upon a loan which was made to you of 1,200*l.*, was it not?

Yes, it was so.

1616. That continued for 20 years.

Yes; that arose in this way,—if the Committee think it worth while to hear it: For a particular purpose that sum was wanted. I told Mr. Edmunds of it, and he at once said, "Then I will lend it, but I will lend it to you." I said, "Very well, then lend "it to me." And I then gave him a memorandum that I would repay him the money whenever he required it, and I have been ready to repay him, and should have been happy to repay it to him at any time.

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1617. Duke of *Somerset.*] I think you stated that you spent a great deal of time in unravelling the complicated affairs of Mr. James Brougham after his death?
Yes.

1618. In unravelling those affairs, did it not come to your knowledge that Mr. James Brougham was one of the four trustees and executors of Mr. William Edmunds, who had actually lent that 5,000*l.*, in 1827?
No; there was no trace of that in any part of his affairs, which consisted principally of bond and other debts. I never knew that until I read it in the deed last October.

1619. Viscount *Hutchinson.*] I observe that this mortgage, which was made originally in 1811 to the Misses Robinson, appears to be secured upon the manor of Braithwaite.
Yes; Braithwaite Howes is the proper name of it.

1620. Who was in possession of the Manor of Braithwaite at the time the mortgage was made?
My brother James, and nobody else. In 1810 Lord Brougham made over that farm or that property to his brother, and from 1810 till his death my brother James either farmed it or received the rents of it. Lord Brougham never received one penny. It was not made over by deed, but merely an understanding. In 1811 my brother James requiring this 5,000*l.* borrowed it upon security in that form, but it was necessary that his elder brother should sign the deed, because he was the legal owner of the estate.

1621. Lord Brougham had the legal estate?
He had the legal estate; his brother joins with him in the deed and covenant to pay the debt. The 5,000*l.* was paid into James' account at Messrs. Coutts, as Mr. Leman can prove. My brother James alone received the money; it was his debt from first to last. On his death my brother, forgetting all about the mortgage, directed the rents to be applied in relief of his brother James' debts, and they have been so applied ever since.

1622. Did your brother James die childless?
Yes, certainly; he was unmarried.

1623. Then his lands passed to his heir-at-law?
His land would pass to his heir-at-law.

1624. Did he die intestate?
Yes.

1625. Then you have inherited nothing from Mr. James Brougham?
Nothing; that very estate in question, such as it is, would pass to Lord Brougham as his heir-at-law.

1626. Lord *Taunton.*] In law Mr. James Brougham was never seised of that estate, was he?
Never in law; he had possession of it, and he alone received the rents.

1627. Then in law it all along belonged to Lord Brougham?
Certainly; that was the reason why his name was necessary for the mortgage. But he was never applied to act, nor does he act in the transfer. Although he is stated to be a party in the deed, he executes no document or deed at the time of the transfer. He only executes the original mortgage; and therefore he was held by Lord Cranworth to be not principal, but surety, Lord Cranworth perfectly believing that he never received any part of the money or any benefit from it. If you think it advisable to summon Lord Cranworth I have no doubt that he will confirm my statement.

1628. Lord *Chemlsford.*] May I now call your attention to a correspondence that took place between you and Mr. Edmunds. There is a letter of the 26th of January 1863, in which Mr. Edmunds states the transactions that have occurred between you and him?
Yes.

1629. He says, "With the intention of putting my affairs in an intelligible condition "in the event of my death, I have been looking through my papers. It has struck me "that between you and I there ought to be a written statement to the effect that the "interest (200*l.* per annum) on the mortgage I hold for 5,000*l.* on the Cumberland "estate has been paid and settled up to this time. This interest has actually been paid, "but through an unsettled account. This is by my deducting yearly 200*l.* from the "300*l.* per annum held in trust for others, and paying you the balance of 100*l.* yearly "up

" up to a certain time. Since the date of the loan to you of 1,200*l.* I have made a " further deduction of 42*l.* for interest, and have paid you annually 58*l.* only. The " memorandum you gave me on the occasion of this loan (1,200*l.*) recognizes the " transaction. Another matter to be settled between us is the question when the " mortgage debt is to be paid off." Do you remember that letter?

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Perfectly. I ought to tell you that that letter was the first time that the subject of the arrangement of 200*l.* a year had ever been mentioned or talked of between Mr. Edmunds and myself since 1834. From 1834 until the date of that letter it had just gone on without being talked of.

1630. From 1834 to 1863?
Yes; from 1834 to 1863.

1631. You knew that the 200*l.* a year was applied in payment of the interest of the mortgage?
I never doubted it. Mr. Edmunds had stated so originally, and I concluded that it had so gone on.

1632. In answering that letter on the 30th of January 1863 you do not object at all to the statements which Mr. Edmunds has made of the transactions which had taken place. You merely say, " I am sorry you propose to die, but you must keep yourself alive till I get back, and we will then arrange the best way to state an account which we can both sign, and then at the end of each year (supposing the interest account to be from 1st January to 31st December) I can sign again, so as to keep the matter straight?
That is so.

1633. You do not object in the slightest degree to the statement that was made by Mr. Edmunds in his letter?
It was only a confirmation of what he had formerly stated, that the 200*l.* a year was applied to the payment of interest upon a mortgage.

1634. Did you not know that it was the mortgage upon the Cumberland estate which your brother, Lord Brougham, nominally, although not really, was interested in?
No, I did not know to what estate it referred to.

1635. Duke of *Somerset.*] The letter says, " On the mortgage I hold for 5,000*l.* on the Cumberland estate? "
Just so, but then, perhaps, your Grace is aware that my brother James had considerable estates in Cumberland; in point of fact, this estate was his.

1636. Lord *Chelmsford.*] The question arose as to paying off that mortgage. In the letter Mr. Edmunds says, " Another matter to be settled between us is the question when the mortgage debt is to be paid off? "
Yes, just so. I concluded that it was a debt that was to be paid off some day or other.

1637. Lord *Taunton.*] What is the value of this estate, held in the manner you have described by your brother James?
I should think not much more than the 5,000*l.* for which it is mortgaged.

1638. It is not much more than a farm, then?
No; it is only a farm.

1639. Earl of *Clarendon*]. That is the reason why it was not sold, I suppose; namely, that it would only just have paid off the mortgage?
That is exactly the reason; it was not worth selling.

1640. Lord *Chelmsford.*] There has been a letter put in from you to Mr. Edmunds, dated the 14th of June 1863: " Let me hear what you think. Also pray bear in mind " that in talking to Henry or Miller, or Lord Brougham, you are in the same story with " me; viz., that the actual gain to Henry is 900*l.* a year. It will not do to mention to " anyone at present our 300*l.* arrangement; that must not be spoken of." I do not know whether you desire to give any explanation upon that subject. I will not put any question to you upon it?
I recollect the letter perfectly. Do you wish me to say something about it?

1641. I only want to know whether you wish to offer any explanation of any kind?
I have no particular reason for saying anything about it; but I have no objection to tell

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tell the Committee all that I know. In the month of June 1863, on my return from Cannes to London, Mr. Edmunds, as he was walking down with me from Grafton Street to the House of Lords, said that he knew how very anxious Lord Brougham was to get some provision for his nephew; that he himself had got tired of the Patent Office, and that he was rather anxious to give it up; that it was supposed to be, and was in fact, in the gift of the Crown; and that if I were to propose to Lord Palmerston to appoint my son, in the event of his (Mr. Edmunds') resignation, he would at once resign, trusting to getting some retiring pension under the Superannuation Act for so many years' service. I said, "Well; but what will you lose by this?" He said, "It would be a loss of 500*l.* or 600*l.* a year." I said, "This is the most magnificent proposal that was ever made to me; I cannot understand it." He said, "Yes; I owe so much to your family that I look upon your son as my brother, and I consider myself bound to do anything I can for him." I was perfectly astonished at the proposal. However, I said "As you are so kind as to make the proposal, I must speak to the Lord Chancellor, because, although it is not in his gift, he is ex officio one of the Commissioners of Patents, and it is right that he should be spoken to." Accordingly, I immediately went to the Lord Chancellor and told him this; and he said, "No; I cannot agree to that, because there are inquiries going on about the Patent Office, and while they are going on it would be impossible for me to consent to any re-appointment or to any re-arrangement of the offices."

1642. Earl of *Clarendon.*] Were you aware at that time that the inquiries were going on?

No; it was not the inquiry before Messrs. Greenwood and Hindmarch; it was another inquiry. It was directed by the ex officio Commissioners of Patents. I then said to him (the Chancellor), "I have only come to tell you this as a matter of courtesy, "because you are aware that the appointment is in the gift of the Crown, and therefore "Lord Palmerston is the person to apply to." He said he was perfectly aware of that, and that he had no objection to my going to Lord Palmerston, not the least. I went to Lord Palmerston and he said, "Let me have a statement of it in writing," which I did. I afterwards saw Lord Granville, as his Lordship will no doubt remember, in one of the small rooms here, and told him what I have been now stating to the Committee. From that day to this I have heard no more of it; but I concluded that the Lord Chancellor had told Lord Palmerston that this inquiry was going on, and that therefore it was not thought expedient that any such appointment should be made. I can only say that the present Lord Chancellor never did me or anybody else such a kindness as when he prevented that arrangement from being carried out; for what would have happened if my son had been made Clerk of the Patents? He would have found himself in an office where large amounts of money were owing to the public, and no power on earth would ever have persuaded the public that he had had no part in the defalcations. I look upon it as the greatest escape in the world.

1643. *Chairman.*] Let me call your attention to the letter which has been put in, in which you mention my name, and say that you propose to send me to counteract the Lord Chancellor, and say further, that I have expressed myself "very favourably about Henry." Is my recollection of what took place according to yours? which is this: I believe I had not the pleasure of the acquaintance of your son; but Lord Brougham, on several occasions, and, among others, in your presence, told me that Mr. Edmunds was about to resign, and said he hoped very much that Lord Palmerston would give him the office upon the resignation of Mr. Edmunds. I expressed my wish always to meet any desire of Lord Brougham's, and said I should be very happy to take to Lord Palmerston any application that he might make to me. I did so, upon two occasions, certainly, and gave the answer from Lord Palmerston to Lord Brougham, namely, that Lord Palmerston could do nothing in the matter until certain investigations which were going on at the office had been finished?

Yes, just so.

1644. You concur in my recollection of what took place?

Perfectly; that is exactly what took place, and so far agrees with my recollection of what took place between me and your Lordship or any of the other persons.

1645. Lord *Chelmsford.*] The part of the letter to which I specially directed your attention was this:—"you are in the same story with me, viz., that the actual gain to "Henry is 900*l.* a year. It will not do to mention to any one at present our 300*l.* "arrangement; that must not be spoken of?"

Mr. Edmunds stated to me that his salary as Clerk of the Patents was 400*l.* a year, and

and that his salary was 600*l.* a year as Clerk to the Commissioners of Patents, and he said, "I receive about 300*l.* (but we will only call it 200*l.*) for discounts on stamps." I did not know anything about the discounts on stamps, and just took his statement as he gave it to me. "Therefore," he said, "You may reckon it at least as 1,200*l.* a year." Then he said, "It will not do to tell Henry anything about the 1,200*l.*, because, of "course, he will go on with the 300*l.* arrangement."

1646. What did he mean by the 300*l.* arrangement?
The arrangements by which he undertook to pay the 200*l.* upon the mortgage, and hand 100*l.* over to me.

1647. Earl of *Derby*.] Then what you wrote was, that the arrangement must be kept secret, the agreement being, that out of his official salary there should be deducted 300*l.* a year?
Just as Mr. Edmunds had been doing; it was no new thing.

1648. Mr. Edmunds had been paying it; but inasmuch as that 300*l.* a year would be lost by his resignation of the office, it was your proposal that that 300*l.* a year should still continue to be saddled upon the office which was to be conferred upon your son?
Yes, certainly. I concluded that the arrangement should be continued.

1649. Why was it that your son must not be told that?
I suppose we thought it better not to talk about it at that time. No doubt that was the case. There was no other reason. Besides, it might have all gone off, as it did.

1650. *Chairman*.] Why, when the arrangement was completed, was he alone to be told of it, and that in the way that you and Mr. Edmunds agreed upon?
The words "told in the way you and I agree upon" merely meant that he was to be told so as to explain to him the object for which the payment was to be made.

1651. Lord *Chelmsford*.] There is this further passage: "You will at once understand the necessity of this reticence?"
That is only until it was necessary to tell him; the reticence could not go on for ever.

1652. Earl of *Derby*]. I want to know why that arrangement was to be kept secret when the new appointment to the office had taken place?
I do not quite understand the expression "kept secret." The letter says, "when the Patent arrangement is completed then he must be told."

1653. "It will not do to mention to any one at present our 300*l.* arrangement." "Also pray bear in mind that in talking to Henry, or Miller, or Lord Brougham, you are in the same story with me, viz., that the actual gain to Henry is 900*l.* a year?"
Just so; because if the payment of the 300*l.* was to be continued there would be only 900*l.* left.

1654. "It will not do to mention to anyone at present our 300*l.* arrangement; that "must not be spoken of; and when the patent arrangement is completed then Henry "alone must be told, and told in the way you and I agree upon. You will at once under-"stand the necessity of this reticence." I want to know why that arrangement was to be kept altogether secret, even from the person who was to take the office, until it was completed, and after that time only communicated to him, and nobody else?
Simply because there was no necessity to talk of it, either to him or to anybody else, unless the arrangement took place.

1655. After the arrangement had been made I understand that he alone was to know, that, instead of receiving 1,200*l.*, he would only receive 900*l.*, and that the remaining 300*l.* went to you?
Yes; that was the intention of this letter.

1656. Why was it to be kept secret?
All that is meant by being kept secret is that this was not to be talked about.

1657. Why not, after the arrangement was made?
It would be talked of after the arrangement was made.

1658. No, pardon me; the letter says it would not?
Then the letter is ill expressed. It could not be made secret after the arrangement was made.

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1659. Will you read the letter again? It says, "After the patent arrangement is completed then Henry alone must be told?"
There was no necessity to tell anybody else.

1660. Why was it necessary to keep it from anybody else? Why was he alone to be told, and told in the way that you and Mr. Edmunds might agree upon?
That means that he was to be told in the sense of explaining to him what the arrangement was, and what the object of the arrangement was; nothing more than that.

1661. Lord *Chelmsford.*] Then I understand you to say that "told in the way you "and I agree upon" merely means stating what was the exact arrangement?
That is all.

1662. What necessity was there that you and Mr. Edmunds should agree as to the mode in which he should be told?
I can assure you that what was meant was that he was to be told what the arrangereally was, and what the object of it was.

1663. In January 1863, at all events, you were aware of the 5,000*l.* mortgage, and the application of the 200*l.* a year in payment of the interest, and of course the loan of 1,200*l.*, and the interest which was deducted by Mr. Edmunds in consequence of that loan?
Yes.

1664. Do you remember seeing Mr. Leman early in September last year, with regard to an arrangement as to the 300*l.* a year, and the mortgage debt of 5,000*l.*?
No; I never saw Mr. Leman upon that.

1665. In September last?
No.

1666. In consequence of what was required in the letter of Mr. Edmunds of the 26th of January 1863?
No, I never saw Mr. Leman upon that subject.

1667. Are you quite sure?
I am quite sure. As I have said, Mr. Leman came to Brougham about Mr. Edmunds' answer.

1668. I do not mean that?
He came down about Mr. Edmunds' answer, and as far as I recollect all that took place was that when he was there he said something to me referring to the 5,000*l.* mortgage.

1669. It was not that he sought an interview with you upon the subject, but he was down at Brougham upon the subject of Mr. Leonard Edmunds' answer to the Report?
Yes.

1670. Then he spoke to you with regard to the mortgage debt of 5,000*l.*?
He talked to me about a mortgage debt of 5,000*l.*

1671. Did you tell him that you knew nothing about it?
No, certainly not; for I took for granted that it was some mortgage debt that I did know about. If he had said a word to me about the 300*l.* arrangement that would at once have enlightened me, but I never heard a word from him on that subject.

1672. Had you two conversations with him at two parts of the day upon the subject?
No, certainly not.

1673. Did you tell him at that time that it would be extremely inconvenient to Lord Brougham to pay off the 5,000*l.* mortgage at that time?
I perfectly recollect saying, as far as any debt of Lord Brougham's was concerned, that it would not be convenient to pay it off then; but I did not know what mortgage he referred to, until a letter came from him stating that there was a mortgage on Lord Brougham's estate, or, as he described it, "on the Brougham property."

1674. Was that in September?
No; not until October.

1675. You have stated that in January 1863 you knew there was this mortgage?
I knew there was a mortgage; but I never knew till October what the mortgage was.

1676. You

1676. You knew that it was a mortgage which was, in fact, upon Lord Brougham's estate, although your brother James was nominally in possession of the estate?
That I only discovered in October. I always knew that there was some mortgage, but it never was identified or brought to my knowledge, nor did I know anything of the details until last October.

1677. Earl of *Derby.*] Will you turn back again to the letter addressed to you by Mr. Edmunds on the 26th of January 1863, at page 154, in which he says, "It has "struck me that between you and I there ought to be a written statement to the effect "that the interest (200*l.* per annum) on the mortgage I hold for 5,000*l.* on the "Cumberland estate has been paid and settled up to this time?"
Yes.

1678. Does not that direct your attention specifically to the mortgage held by Mr. Edmunds on the Cumberland estate?
Certainly; and I always knew that there must have been a mortgage somewhere, but I did not know what the mortgage was, and therefore, when Mr. Leman wrote, making a claim, on behalf of Mr. Edmunds, for the payment of this mortgage upon the Brougham estate, I took the letter to Lord Brougham, and said, "What can this mean?" We neither of us had the least idea that there was such a mortgage.

1679. Notwithstanding that you had received this letter from Mr. Edmunds some months before, speaking of the mortgage he held for 5,000*l.* upon the Cumberland property?
Yes, certainly; that is to say, it was a mortgage upon my brother James' estate. I never had a doubt of that.

1680. Lord *Chelmsford.*] How was it, when you were ignorant of what this transaction was, that in answer to that letter of the 26th of January, instead of saying, "What does "all this mean? Do explain all this?" you say, "I am sorry you propose to die, but "you must keep yourself alive till I get back, and we will then arrange the best way "to state an account, which we can both sign, and then at the end of each year "(supposing the interest account to be from 1st January to 31st December) I can sign "again, so as to keep the matter straight?"
I wrote that, certainly, because it was only carrying on the arrangement that had been stated to me in 1834, that he was to keep down the interest of a mortgage.

1681. How was it that you did not inquire what mortgage it was when Mr. Leonard Edmunds was stating this to you? Why did you not say, "I do not know what the transaction is to which you refer?"
I could not have said that. It was perfectly immaterial what the mortgage was, provided it was a mortgage. All I knew was, that I had no mortgage, and it was perfectly immaterial to me then to know what the mortgage was. I took for granted that there had been a mortgage, and that he did keep down the interest upon it by the payment of 200*l.* out of the 300*l.* a year.

1682. You had known that from 1834, had you not?
Yes.

1683. *Chairman.*] Is Mr. Edmunds correct in stating that Mr. James Brougham had the entire control and management of Lord Brougham's affairs to the end of his life?
Yes; that is substantially correct.

1684. When did your brother James die?
In 1833.

1685. Since that time have you taken the management and control of Lord Brougham's affairs?
I have had the management of Lord Brougham's affairs, in a great measure.

1686. Has Lord Brougham interfered much in the management of his affairs?
Very little.

1687. Earl of *Derby.*] You have had a full knowledge of all Lord Brougham's affairs since that time, 1833, have you not?
Yes.

1688. *Chairman.*] How was it that in making yourself master of the position of Lord Brougham's affairs you never thought it worth while to inquire into this mortgage?

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I had a note, or a list rather, of what the different mortgages were, but I did not know which was the mortgage the interest of which Mr. Edmunds undertook to keep down. I had no means of knowing that.

1689. Viscount *Hutchinson.*] Was this mortgage to the Misses Harrison included in the list of mortgages you speak of?
I have no doubt that, without the name of the Misses Harrison necessarily being mentioned, it was included as a mortgage upon that property.

1690. Lord *Chelmsford.*] You state that you recollect a conversation between yourself and Mr. Leman, in which you said, "It would be extremely inconvenient to Lord "Brougham to pay off the 5,000*l.* mortgage at this time," &c.?
Yes; or any other mortgage.

1691. Do you recollect sending a letter to Mr. Leman, dated the 12th of October 1864, in which these are the words: "Let me know as soon as you can on what footing "the 1,200*l.* you refer is to continue, as I do not choose to pay interest. I would, if "necessary, make immediate arrangements for paying it off, and I should then surrender "the policy for 3,000*l.*, to stop the payment of 100*l.* a year which I have hitherto paid. "Respecting the 5,000*l.* you mention in your letter, I know nothing"?
Just so.

1692. You remember writing that?
It was mentioned in his letter, as I read and understood it, as a mortgage upon Lord Brougham's estate, but of this mortgage Lord Brougham knew nothing, and I certainly knew nothing of it. Pray observe that when I say I knew nothing of it, I mean that I knew nothing of it as a debt of Lord Brougham's.

1693. You say, in a letter on the 14th of October 1864, "Lord Brougham has read "over the drafts" [these are stated to be drafts of the assignment of the mortgage for 5,000*l.* sent by Mr. Leman to Mr. William Brougham], "and declares most positively "that he knows nothing of the transaction, and that he owes no such sum." Lord Brougham is entirely ignorant of the matter?
He was entirely ignorant.

1694. Do you recollect writing this letter to Mr. Leman on the 14th of October 1864: "I trust you will believe that I have no wish to evade any obligation that I may have "bound myself to fulfil, but I was no party nor ever heard of the arrangement of 1833, "referred to in the statement I have received from you to-day. If I acted upon it "subsequently, it was information furnished by L. E. Of one thing I am perfectly "certain, that Lord Brougham never at any time had any knowledge whatever of the "matter. But I neither can nor will make him a present of 5,000*l.*?"
Just so. I was not going to pay the debt myself. I knew nothing, your Lordship will observe, of the arrangement of 1833.

1695. You knew of it at this time. It was after January 1863?
I am referring back there.

1696. This letter has the date of 16th of October 1864?
Yes. I was no party to that arrangement. That goes back to 1833. I was no party to the arrangement of 1833.

1697. You say, "I neither can nor will make him a present of 5,000*l.*?"
Just so.

1698. In October 1864 you knew what the transaction was, because you have told us so. In the letter of January 1863 the whole transaction was stated?
It was stated that there was a mortgage.

1699. A mortgage upon the Cumberland estate?
Yes; a mortgage on the Cumberland estate.

1700. And you knew that Mr. Edmunds was entitled to 5,000*l.* upon that mortgage, whatever it was?
No. I did not at all know who the mortgagee was.

1701. The letter of January 1863 mentions it?
I do not remember that it mentions that he was mortgagee.

1702. He

1702. He said that he was entitled to 5,000*l.*, and spoke of some arrangement being made for paying it off?
Just so.

1703. You knew that he was entitled to 5,000*l.* from that time, then?
I knew that there was a debt.

1704. A mortgage debt to Mr. Edmunds of 5,000*l.* You knew that?
Yes.

1705. What did you mean then by saying, "But I neither can nor will make him a "present of 5,000*l.*"?
Because if I had paid it I should have made him a present of 5,000*l.* I only mean that I was not going to take it upon myself.

1706. Did Mr. Miller act for you at all in this negotiation with regard to the paying off the mortgage of 5,000*l.*?
Yes. He did a good deal, because I was not in London myself.

1707. No doubt you saw this letter of Mr. Leman's, written to Mr. Miller:—"My "dear Sir, I send you, as you requested, copies of the Nice correspondence, and of "W.B.'s letter to L.E. on the proposed arrangement on his resigning the Patent Office. "You stated to me (quoting from two of W.B.'s letters to you) that the 9,000*l.* was "paid over by L.E. to W.B., not for the benefit of John B.'s family, but for the pur-"pose of paying off some of James B.'s debts. I do not see that if the latter were the "arrangement it would place the transaction in a better light. But is it credible that "James B. would have disclosed to L.E. that he was unable to pay his debts? And "how has W.B. actually disposed of the money? He has received of L.E. upwards "of 9,000*l.* Has he (W.B.) applied any portion of this large sum in payment of "James B.'s debts? or has he applied it for the benefit of John B.'s family, as L.E. "intended, and as he understood from both James B., originally, and from W.B., on "James B.'s death, that the office was held as to 300*l.* per annum in trust for John B.'s "family? Your proposal to me was, if L.E. would consent to give up the 1,200*l.* "borrowed of him by W.B. in 1845, the 5,000*l.* mortgage would be admitted as valid, "and interest paid in future. Now this is really asking L.E. to pay W.B. 1,200*l.*, in "addition to the 9,000*l.* and upwards that he has already received from him, and is a "proposition which I think W.B. must, on further reflection, see is a most unreasonable "proposition on his part. Under Mr. W.B.'s representation of the arrangement as to "the 300*l.* a year, L.E. would be entitled to ask of W.B. how the 300*l.* per annum has "been disposed of up to this time? Moreover, I have a letter from W.B. stating that "he intends to give up the policy on L.E.'s life." You remember that letter having been written?
I remember something of the kind. I remember having seen this. It was not a letter to me, you will observe. I remember having seen it, or heard of it at least.

1708. Then Mr. Miller is said to have written in answer to that a letter of the 24th October 1864? Will you be good enough to say whether you recollect his having written such a letter?
Yes.

1709. Earl of *Derby.*] It is stated to have been written at your dictation?
That is not so. The letter of the 25th of October is signed "James Leman."

1710. Lord *Chelmsford.*] The 24th of October 1864 is the date of the letter. Did you authorize the proposition contained in that letter to be made by Mr. Miller?
I can hardly say. I think Mr. Miller took upon himself very much to do the whole thing, as well as he could, on my behalf.

1711. Were you aware that he had made this proposition?
I daresay I was made aware of it afterwards; but I do not think I knew of it at the time. I daresay Mr. Miller can tell your Lordships better than I can.

1712. I will call your attention to what the proposition was. "Now in order to put "an end to all these matters, I would suggest that (say by 1st December) Mr. B. "should pay off the 1,200*l.* loan, and that in extinction of the 5,000*l.* mortgage he "should assign to you, or to whomsoever can give a release, the policy of insurance, "with all bonuses, present and future, and should release you from all further payments "in respect of the 300*l.* arrangement, which, estimating your life at only ten years, is "equal to another 3,500*l.*"
I have not seen that before. It is very likely he wrote this letter.

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1713. Did you see the answer which Mr. Leman sent to Mr. Miller as to that proposition?
No.

1714. The letter is dated the 25th of October 1864. "My dear sir, I have looked "carefully into this matter. The money (5,000*l.*) is trust money, and it cannot, "therefore, be dealt with in the manner you propose. If the policy were assigned it "would not represent 3,000*l.* or any other sum, unless L. E. continued to keep it up. "It would not, however, I think, be unreasonable, if the policy were assigned, to take "it at its present insurance office value in part payment of the mortgage debt of 5,000*l.* "Some other arrangement, other than that you propose, must be made; and as these "matters are difficult to write upon, it is obviously better that the arrangement to be "made should be considered vivâ voce with you so soon as you return to town, and "that no further delay should take place. I have again to repeat that there is no wish "to call in the mortgage money. As the mortgage deed and the title deeds of the estate "now at Brougham, deposited by L. E. in my office in 1827, were sent from my office "to Brougham in 1843 (evidently in mistake), together with other deeds belonging to "Lord Brougham required for the purposes of the trial then pending, you will see the "propriety of the same being returned to me?"
Yes.

1715. That was followed by a letter from Mr. Miller to Mr. Leman beginning, "Can "you while I am here suggest"?
That is only an extract, apparently.

1716. Earl of *Derby.*] What does the "while I am here" mean? Do you know where that letter was written from?
It was written, most likely, from Brougham, judging by the dates. Either from there or from Scotland.

1717. Mr. Miller was at Brougham at that time, was he?
Somewhere about that time.

1718. Lord *Chelmsford.*] "Can you while I am here suggest anything for me to "propose to Mr. William Brougham, with a view to induce him to make himself "responsible for the 5,000*l.*, on the footing of paying it at L. E.'s death, without interest "in the meanwhile." That letter is from Mr. Miller to Mr. Leman?
Yes.

1719. Then Mr. Leman's letter is addressed to you, dated the 27th of October 1864. "My dear Mr. Brougham. This correspondence with Mr. Miller should be stopped "at once. The only question is, Did Lord Brougham sign the deed of mortgage for "the 5,000*l.* in 1811? If so, that mortgage is now in force,—is vested in the trustees "and executors of the late Mr. Edmunds at the present moment,—is a charge on the "Cumberland estates, and the money itself is held in trust for L. E.'s sisters, for whom "he is a trustee. How, therefore, can he give up the interest on the 5,000*l.* for his life, "as you propose? Under the past arrangement as to the 300*l.*, in having paid for you "the interest of the 5,000*l.* to his sisters (200*l.*) and the 100*l.* a year to yourself, he "has actually saved you, or paid to you in the 31 years, 9,300*l.*, and, one year with "another, for the first 20 years, such were the expenses of the office, he did not "himself receive one shilling of emolument in return for the very large money and "other responsibilities of the office. In truth, the services and responsibilities were "entirely gratuitous, for the sole benefit of others, who had all the profits, and neither "responsibility nor risk. As I commenced this letter, I must again repeat, further "correspondence and investigation into this matter can be but most mischievous, and "must at once be stopped. I have ascertained the exact value of the policy at the "office on a present surrender to be 1,200*l.*" I believe that was the very last letter upon this subject that passed between you?
Yes, probably it was. I am not aware of any other.

1720. How soon after this letter was the agreement made to refer the matter to Lord Cranworth?
I cannot recollect, but it must have been some time in November.

1721. Do you recollect who it was that proposed the reference to Lord Cranworth?
I was not present, and therefore I cannot speak accurately, but I think it was done probably by Mr. Miller's proposing that it should be referred to somebody, and certainly Lord Cranworth was fixed upon by Mr. Edmunds. Of course I had not the smallest objection

objection to Lord Cranworth. Somebody wrote to me to say what had been proposed. My answer was, "By all means; you cannot have a better man than Lord Cranworth." And so it was agreed upon. I can give you the exact date. The agreement to refer is dated on the 8th of December. I was wrong when I said November.

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1722. *Chairman.*] Are you aware that all these letters which have been given in by Mr. Edmunds are his case, which was submitted to Lord Cranworth; and that he ends by giving Lord Cranworth's award?
Yes.

1723. Nothing on your part appears. Would you have any objection, or have you any preference in the matter, as to delivering into the Committee the statement of your case as made to Lord Cranworth?
I have not got it. Lord Cranworth has it; but if the Committee wish to have it it can be got from Lord Cranworth, I have no doubt, without summoning him to attend.

1724. Perhaps you would obtain it, and deliver it to the Committee?
I will do so.

1725. Earl of *Derby.*] I believe the subject matter of the statement to be made to Lord Cranworth was mutually agreed upon by your agents?
Yes, I believe so. The only difference was this; there was one part of the statement which Mr. Edmunds struck out, because it had nothing whatever to do with the case, putting his initials to the alteration. That referred to the 1,200*l.* matter.

1726. Lord *Chelmsford.*] That matter was referred to Lord Cranworth, was not it?
No; it ought not to have been.

1727. It is mentioned in Lord Cranworth's award?
Yes, because, behind my back, or rather when I was perfestly ignorant of it, Mr. Edmunds brought it before Lord Cranworth without my knowledge.

1728. Earl of *Clarendon.*] After having struck it out in the submission?
Yes.

1729. Lord *Taunton.*] In what shape did he bring it before Lord Cranworth?
I cannot say, because I have not seen his papers.

1730. Earl of *Derby.*] Lord Cranworth's award states, "with respect to the 1,200*l.* "bond there is no dispute"?
Yes, I said, or rather Mr. Miller said in my behalf, there is no use encumbering this case with the 1,200*l.* question; and then Mr. Edmunds himself drew his pen through that part of the statement, and put his initials to it; therefore, when the paper was sent to me, I concluded that this matter was not to form part of the reference, and of course I never noticed the 1,200*l.* matter in any statement which I made to Lord Cranworth; and to my great surprise I found afterwards, from the statement which Lord Cranworth made to the parties,—in fact it appears in the award,—that all the question relating to the 1,200*l.* had been before him, after our having agreed that it had nothing to do with the case.

1731. Lord *Chelmsford.*] Was not the ground upon which you objected to the payment of the mortgage that no interest had been paid upon it for twenty years, and that, therefore, by the Statute of Limitations, it was no longer in existence?
Yes; on the ground that no interest had been paid by Lord Brougham, or by anybody authorized by him, or with his privity. But there was no doubt that there was a debt; and then I made a proposal to Lord Cranworth as to a mode of securing a similar sum to whoever was the creditor.

1732. However, we find by Lord Cranworth's award that he did not entertain that view of the case, that no interest had been paid, and he decided that the 5,000*l.* was due?
Yes.

1733. He says, "As to the said mortgage, I decide that Lord Brougham is liable to "repay the principal sum of 5,000*l.* thereby secured, with interest thereon from the "24th of June 1864, up to which time all parties admit that interest has been paid. "I come to this conclusion on the facts as stated by Lord Brougham and William "Brougham. I place entire confidence in what Lord Brougham states, namely, that "he did not receive any part of the 5,000*l.*, and had altogether forgotten that any such

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" mortgage existed. But his brother James Brougham joined in the mortgage, and " Lord Brougham and James Brougham jointly and severally covenanted with the " mortgagee for payment of principal and interest. James Brougham died at the end " of 1833; but shortly before his death he came to certain arrangements with Leonard " Edmunds, under which it was stipulated that Leonard Edmunds should thenceforth " pay the interest on the mortgage (200*l.* per annum) which James Brougham was " by virtue of his covenant bound to pay. Leonard Edmunds has accordingly regularly " paid this interest, which I consider to be the same thing as if James Brougham, one " of the parties liable, had himself paid it. The mortgage, therefore, is clearly a " subsisting mortgage, valid against Lord Brougham, who, though appearing on the face " of the deed to be the principal debtor, was, I have no doubt, merely a surety for his " brother James?"

Yes; he said he was merely a surety.

1734. How is it then that you, considering that the mortgage was in fact at an end, so far as Lord Brougham was concerned, by reason of the nonpayment of interest under the Statute of Limitations, nevertheless proposed to recognize the mortgage as a valid debt, provided that an arrangement could be made with reference to the 1,200*l.*?

Because I never had a doubt that there was a debt; it was quite certain that there was a debt, unless all that Mr. Edmunds had stated to me had been a fiction from beginning to end; but I never knew or ever dreamt of Lord Brougham being the debtor.

1735. You knew perfectly well that the 200*l.* a year had been applied out of the salary which Mr. Edmunds received as Clerk of the Patents in payment of the interest of a mortgage, whatever that mortgage was?

Yes; in payment of the interest of a mortgage debt.

1736. And you knew at the time when the matter was referred to Lord Cranworth that that was a payment in respect of a mortgage to which Lord Brougham was said to be liable?

Yes.

1737. How was it, then, that you pleaded the Statute of Limitations, on the ground that no interest had been paid upon the mortgage for 20 years?

That was only as regarded the question of Lord Brougham's being a debtor. I was perfectly willing to take upon myself, as far as I could, the payment of that mortgage, which I had no doubt was a debt.

1738. If Lord Brougham and his brother were joint mortgagors, the payment of interest by one of the mortgagors would be a payment by both?

So it turns out.

1739. Earl of *Derby.*] What was the meaning of your expression as to " making " Mr. Edmunds a present of 5,000*l.*"

At that time I had nothing in my head but that it was a stale demand against Lord Brougham. Your Lordships will observe that we had not got the deed; we knew nothing about the circumstances.

1740. Lord *Chelmsford.*] You thought that it was a stale demand against Lord Brougham?

Yes.

1741. You never knew, according to your statement, that it was against Lord Brougham at that time? You said that you never knew what the debt was?

No; but Mr. Leman stated it was against Lord Brougham. He particularly stated so on the 18th of September, when he was at Brougham.

1742. Duke of *Somerset.*] Do you mean by a stale demand against Lord Brougham, an unjust demand?

No; I do not mean an unjust demand, but I mean a debt that was probably of old standing; that certainly is the only explanation I can give of what I did, viz., that believing it to be a demand against Lord Brougham to which he was not liable, I did not want to take it upon myself to give Mr. Edmunds the money.

1743. Lord *Taunton.*] How did you suppose that the interest of that mortgage could have been paid if Mr. Edmunds had not paid it?

I concluded that it was paid out of the rents of the estate during my brother's life-time.

1744. How could it have been paid after your brother's death?
I did not know how it was paid. There was no demand made upon me, and the rents were therefore applied in another direction.

1745. Lord *Chelmsford.*] You had the management of that estate after your brother James's death, had you not?
Only as far as this; I knew how the rents were disposed of.

1746. You knew perfectly well, did you not, that the rents of no part of that estate were applied in payment of the interest of the mortgage?
Perfectly; and that was an additional circumstance which misled me, for if any application had been made for payment of the interest out of those rents that would at once have brought to light the circumstance of the mortgage.

1747. Earl of *Clarendon.*] You knew that there was a mortgage, and you knew that up to a certain time interest had been paid upon it?
No; that I have only ascertained since.

1748. I thought you said just now that you were aware that interest was paid upon the mortgage, and that you thought that the rents had been applied to keeping down the interest?
I knew from Mr. Edmunds' statement that all the interest was paid up to my brother's death in 1833.

1749. Up to the death of Mr. James Brougham?
Yes.

1750. Subsequent to the death of Mr. James Brougham you must have been aware that interest was paid upon that mortgage; and did you not know, or did you not inquire from what source those funds were supplied?
No. I was not aware of there being a mortgage upon that estate; and therefore the rents were otherwise applied.

1751. Were not the rents of that estate applied for a certain period to the payment of interest upon that mortgage?
It now turns out that they were in all probability applied by my brother James himself in that way; but I never knew of it.

1752. Your opinion then now is, that up to the time of your brother James's death the rents were applied to the payment of the interest of that mortgage?
Yes; that is to say, he paid the interest of the mortgage, and properly paid it out of the rent; but I could not trace the application of any money in that direction, and only conjectured that the rents were applied in that way. He received the rents, and paid the interest.

1753. After his death you knew of the existence of the mortgage?
No; not then; not until afterwards.

1754. Lord *Chelmsford.*] You stated that you knew of it in 1834?
I knew in 1834 that there was a mortgage.

1755. Earl of *Clarendon.*] You knew of the existence of that mortgage in 1834?
Yes.

1756. You knew that the interest was to be paid on that mortgage?
Up to 1834.

1757. And of course you knew that it must continue to be paid after 1834?
Certainly.

1758. You had the management of your brother James's affairs, I think, after his death?
Yes.

1759. Did it not occur to you to inquire, or did it not come under your cognizance, that interest had been paid and continued to be paid upon that mortgage?
No.

1760. Yet you knew that the mortgage existed?
I concluded that a mortgage existed; but no demand was made upon me for the interest, and therefore I never paid it.

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1761. Earl of *Derby.*] You knew these two facts: first, that a mortgage did exist to the extent of 5,000*l.* upon which no interest was being paid, and, secondly, that by agreement Mr. Leonard Edmunds was paying 200*l.* a year upon a mortgage of 5,000*l.* Did it never occur to you to put together those two facts, of no payments being made upon a mortgage which you did not know of, and the 200*l.* being paid upon a mortgage which you did not know of, both mortgages being precisely of the same amount?

No.

1762. It never occurred to you that those two things had anything to do with one another?

No; it must have been from the confusion between that mortgage and another to the same amount.

1763. Lord *Stanley of Alderley.*] Who came into possession of the estate, and received the rents of the estates, after your brother James's death?

The rents were received by me, under the direction of Lord Brougham.

1764. Did you suppose, on the part of Lord Brougham, that he came into possession of that estate as inheriting it free from all debt?

Yes, perfectly free from all debt; otherwise we should never have allowed the rents to be applied as they were.

1765. If that estate was free from all debt, how was it that it did not go to liquidate the claims of your brother James's creditors?

It did; and it is now burdened with them.

1766. Earl of *Derby.*] To the best of your knowledge, was Lord Brougham aware at the time of conferring this office upon Mr. Leonard Edmunds that he undertook a liability to pay a portion of his income to any person whatever?

No, certainly not.

1767. At the time when Lord Brougham conferred upon Mr. Leonard Edmunds the office of Clerk of the Patents, with a salary of 400*l.* a year, to the best of your knowledge was Lord Brougham a party to or aware of any arrangement by which any portion of that salary was to be reserved for the benefit of any other person whatever?

I have no hesitation in saying that Lord Brougham was not aware of it, and did not guess anything of the kind. He formed no conjecture of any such arrangement.

1768. You have never heard it stated that it was the intention and wish of Lord Brougham that a reservation should be made out of that salary for the benefit of Mr. Leonard Edmunds' sisters.

I never heard that stated. It may possibly have passed through Lord Brougham's mind at the time he gave Mr. Leonard Edmunds the office, that it would be for the benefit of his sisters; that is very possible, but was not so to my knowledge. Your Lordships are aware that at the time when Mr. Edmunds received that appointment he was Purse Bearer, with a salary of between 500*l.* and 600*l.* a year, and he was also Clerk of the Commissions with a salary of 400*l.* or 500*l.* a year.

1769. Lord *Chelmsford.*] He was not Clerk to the Commissioners at that time?

He was clerk to the Commissions of the Peace.

1770. You mean secretary, do you not?

Yes; I mean Secretary to the Commissions of the Peace. The income of that office was 400*l.* or 500*l.* a year. I do not know exactly how much. At all events he had an income of from 1,000*l.* to 1,100*l.* a year at the time he got the clerkship of the patents. I mention this to show that it is extremely possible that Lord Brougham may have thought, in giving him the clerkship of the patents, that inasmuch as he did not want the income himself, being already very well provided for by the other two offices, it would be for the benefit of his brothers and sisters. But Lord Brougham himself will state that.

1771. *Chairman.*] I wish to call your attention to a statement which has been made to the Committee, but hitherto only upon hearsay evidence. Mr. Edmunds says, that "Mr. Alfred Montgomery stated to me a short time since that Lord Brougham had, "on one occasion, some years since, in conversation, and answering an observation made "by him to the effect that I was very lucky in getting two offices, replied, that the "income of one of those offices, namely, that of the Clerk of the Patents, was held by "me for the benefit of my brothers and sisters, and that he (Lord Brougham) had so "disposed of the office because my father, being an intimate friend, had lost his life by "an

" an accident in what might be considered his (Lord Brougham's) service." You never heard that stated?

It may be so. I never heard Lord Brougham say that.

1772. Again, about Lord Brougham's management of his own property; may I ask, has he for many years abdicated the management of his own property?

Very much.

1773. Both with regard to receipts and with regard to expenditure?

Yes.

1774. All that has been undertaken by his family for him?

Yes, very much so.

1775. Even in very great details?

Yes, in very great details.

1776. Lord *Taunton.*] Has he always evinced a very great distaste for accounts and details of the management of property?

Yes; he has never liked to trouble himself with it.

1777. Viscount *Hutchinson.*] I think you stated that at the time when Mr. Edmunds was appointed Clerk of the Patents he held two offices under the Lord Chancellor; one that of Purse Bearer, and the other that of Secretary to the Commissions of the Peace?

Yes.

1778. Those two offices were held only during the incumbency of the Lord Chancellor, were they not?

Yes; that is all; and accordingly, in 1834, apprehending a probable change in Government, he asked Lord Melbourne to appoint him to the office of the Clerk of the Crown, which at that time was worth, I think, about 600*l.* a year, being as nearly as possible the amount of the Purse Bearer's office. That office afterwards, I forget under what circumstances, was increased to 1,000*l.* a year. Then, in 1848, Mr. Edmunds pressed me very hard to go to Lord Cottenham, and ask him to allow him to give up the office of Clerk of the Crown, and to be appointed Clerk at the Table of the House of Lords. I was rather unwilling to go, but, however, he pressed it so hard that I consented. He put it in this way: "Lord Cottenham will have no objection, because that will enable him to " make his eldest son Clerk of the Crown when he could not so well make him Clerk at " the Table." Accordingly I went to Lord Cottenham, and he agreed to the proposal. Thereupon Mr. Edmunds resigned the office of Clerk of the Crown at 1,000*l.* a year, and obtained the clerkship at the table of the House of Lords at 1,500*l.* Therefore he benefitted to the extent of 500*l.* a year by that arrangement.

1779. Earl of *Malmesbury.*] You stated at the beginning of your examination that you were a very intimate friend of Mr. Edmunds for a great many years?

Yes.

1780. That is not the case now, I believe?

He has not behaved particularly well towards me.

1781. Have you any objection to state what put an end to that old friendship?

Nothing put an end to it on my part; but as soon as Lord Brougham was satisfied that he had not only omitted to pay public money to the Treasury, but had made use of it for his own purposes, which it seems Mr. Edmunds did not deny, he required him to leave Grafton Street. He did not choose him any longer to be an inmate of his house. That was in the early part of November. Mr. Edmunds was exceedingly offended at this, because he thought that Lord Brougham's turning him out of his house would injure him in the eyes of the public. That was the beginning of his taking hostile proceedings. He has made various attempts to get a good deal of money in irregular ways which I had rather not mention.

1782. That expulsion from Grafton Street would not influence his feeling in respect to you personally, would it?

It made him very hostile every way.

1783. To the whole family?

Yes, to the whole family.

1784. Therefore you consider that he has a strong feeling of hostility towards you now?

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The strongest possible feeling of hostility; if I chose to bring one or two persons before your Lordships I could prove it.

1785. I wish to establish this fact. You believe that there is a feeling of hostility on his part against you?

A very bitter feeling of hostility; I have no doubt of that fact.

1786. Duke of *Somerset.*] Do you mean to say, that after an intimate friendship of more than 30 years' standing Mr. Edmunds at once became a determined enemy to you and to Lord Brougham because he was no longer allowed to reside in Lord Brougham's house?

We could account for it in no other way. It is a subject that my brother has often discussed with me, and we can explain it in no other way.

1787. Lord *Chelmsford.*] Do you mean to say that Mr. Edmunds has the slightest hostility to Lord Brougham?

I have no doubt that he has.

1788. Lord *Taunton.*] Have you adverted to that part of his evidence in which he expressly states his belief that Lord Brougham was entirely ignorant of everything objectionable in these transactions.

He said that he was entirely ignorant, no doubt, because that was the fact; but I have no doubt whatever of there being great hostility on his part towards Lord Brougham, as well as towards me. I was not the person who had anything to do with his being removed from Grafton Street; that was done by Lord Brougham himself, when he came up to London to be present at the dinner given to M. Berryer, the eminent French Counsel. It was done by Lord Brougham himself, and done in a very peremptory manner. I had nothing whatever to do with it.

1789. *Chairman.*] We heard all that Mr. Edmunds had to say on this part of our inquiry, and he read a carefully prepared statement. You state that you have only had a very short time to consider it. If, therefore, upon further examination of it, you wish to add anything to what you have stated, the Committee will be ready to hear you?

I am very much obliged to the Committee. I would only suggest that, if the Committee have no objection, I should desire that they would cause Mr. Miller to be summoned; because I think it is very likely, from the hasty glance I gave at this statement of Mr. Edmunds, that he may be better able to answer parts of it than I am. My only desire is that your Lordships should know everything.

The witness is directed to withdraw.

The Lord Redesdale.

The LORD REDESDALE having been sworn, is examined as follows:

1790. *Chairman.*] I believe you were Chairman of the Select Committee on the office of the Clerk of the Parliaments and Usher of the Black Rod which met on Thursday the 16th of February?

Yes; I am chairman of that committee. It is one of the committees which are regularly appointed every session, and the same names were upon it last year as there are this year.

1791. What was referred to the committee on that day?

There were several matters before the committee connected with the office of the Clerk of the Parliaments, but the particular reference to the committee from the House was the petition of Mr. Edmunds.

1792. Will you hand in the petition which was referred to that committee?

I will. It is in the charge of the officers of the House.

The same is handed in, and is as follows:

"To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled.

The humble petition of Leonard Edmunds, Reading Clerk and Clerk of Private Committees in the House of Lords.

Showeth,—

That your petitioner has been thirty-four years and upwards in the public service, of which seventeen years has been passed in the service of your Lordships' House as Reading

Reading Clerk and Clerk of Private Committees, and fourteen years in the office of Clerk of the Crown, being a parliamentary office.

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That your petitioner is now sixty-three years of age, and is desirous of resigning his said office of Reading Clerk and Clerk of Private Committees.

That your petitioner has endeavoured to perform his duties in relation to your Lordships' House with fidelity and diligence.

He relinquishes his present office in your Lordships' House with sincere regret, and with feelings of respectful gratitude to your Lordships.

Your petitioner accordingly humbly prays that your Lordships will accept his resignation, and will be pleased to grant him such retiring allowance for his support during his declining years as to your Lordships may seem fit.

And your Lordships' petitioner will ever pray, &c.

LEONARD EDMUNDS."

1793. Was the committee numerously attended on the 16th of February?

There was a fair number present. I think I can tell you who were there. Lord Eversley was there, and Lord Colville and Lord Bessborough, and Lord Colchester, and, I think, Lord Wynford, and the Marquis of Bath, and the Lord Chamberlain, and myself. There were eight or nine peers present, certainly.

1794. Will you state what took place with regard to the petition of Mr. Edmunds?

We took into consideration the petition, which stated his length of service and his resignation, and contained a prayer that some pension should be allowed him. His resignation had been formally accepted by the House. We examined the precedents with regard to the amount of pension, conceiving that the matter having been referred to us by the House in the way it was,—that was the point which we had to consider. Therefore, in order to see what had been done in former cases, we looked at the reports of some former committees touching the subject, and also heard what was the practice with regard to pensions granted by the Treasury, and thereupon it was proposed, I think by Lord Eversley, that the pension should be 800*l.* a year, which was apparently unanimously agreed to by the committee.

1795. Lord *Taunton.*] Your attention was not called then in any manner to any special circumstances attending Mr. Edmunds' resignation?

Our attention was not called in any formal manner to any special circumstances. Certainly to some degree it was in the knowledge of most of the members of the committee, I presume, if not all, that something had occurred with regard to Mr. Edmunds which had been reported, but there was no evidence before us in any way. We were not instructed to inquire into anything of that kind; in fact we had no power to inquire into it.

1796. Earl of *Clarendon.*] Was there no discussion at all about its being rather an unusual demand for a retiring pension?

No; I do not think it was at all thought that the pension which was awarded to Mr. Edmunds was in any way unusual.

1797. Was there any discussion about the transactions in which Mr. Edmunds was supposed to have been involved?

No; I should not call it any discussion upon the subject. As I say there were certain things talked of; but the impression upon the minds of the members of the committee present was, that a report had been made which called upon Mr. Edmunds to make a payment of money which had not been accounted for by him in his office, and that he had not only paid that, but that he had paid a larger sum than that which he conceived was due from him to the office. As regards the question, whether the fact of his having been behind in his payments had anything to do with the question relating to his resignation of the office in the House of Lords, we may, more or less, have thought that it had something to do with it; but certainly the impression upon the minds of the committee at the time was, that he had satisfied the claim that had been made against him with respect to the money payment.

1798. Did it occur to you, or are you aware whether it occurred to the committee, that there was anything unusual in the desire of Mr. Edmunds to retire?

I cannot say that I think it is a usual thing for a person to have been charged with having been behind hand at all in any payment that he ought to have made at any time in any office that he held.

1799. Then it would have occurred to you that it must have been in consequence of his being behind hand in his payments in another office that he wished to retire from the office he held in the House of Lords?

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I should say that it was my own impression that that was the motive, but at the same time I must add, that although I do not know what the result of the inquiry before the Committee may be, still, considering what I had known of Mr. Edmunds, and imagining that he had made a full payment, I was rather surprised at his having taken that step. I thought that it would have been better not to have taken that step with regard to his office in the House of Lords if he could have discharged his duties.

1800. Did not it occur to you that the circumstance of a man who had hitherto performed his duties well, and was known to be in sound health, or at least there being no evidence to the contrary, suddenly desiring to retire, and claiming the superannuation allowance which he might be legally entitled to, was an unusual thing, and would call for some inquiry?

I do not see that it was our place to make any inquiry. The petition was referred to us by the House, and we were directed to take that petition into consideration. The House were just as well aware of the rumours and the matters I have mentioned as the Committee; and if the House had chosen to direct us to make any inquiry we should have been bound to make that inquiry; but, as it was, I think the Committee would have acted in rather an extraordinary and unfair way towards Mr. Edmunds if they had instituted an inquiry which they were not directed to undertake by the House.

1801. Still, when any officer of the House presents a petition asking to be allowed to resign his office, and to have a superannuation allowance in consequence, would it not be the usual course for the Committee to ask the reasons which led to the resignation, and to inquire as to whether that officer was incapacitated from continuing his duties?

It is very hard to say. We have had other cases before us in which a retiring allowance has been asked for by other officers of the House, and such things come to us, either from Sir John Lefevre, as Clerk of the Parliaments, who would be present at the Committee, or from Sir Augustus Clifford as Black Rod, who would be also in attendance upon the Committee. They would state the reasons upon which the retirement was asked for, and all the other circumstances of the case. But in this case, as we had had nothing referred to us but the petition, I do not know what other course we could have pursued.

1802. Then, do I rightly understand, that when an officer of the House wishes to retire, and asks for a superannuation allowance, it would be the practice of the Committee at once to grant it to him, without inquiring what were the reasons for his resignation?

You must recollect that the offices of the Clerks at the Table are held under a different appointment to the other offices. This is the first instance of a retirement from one of those offices that I recollect to have occurred.

1803. Was not there the case of Lord Devon?

No; he had no retiring pension. He retired when he became Lord Devon. I think Mr. Birch had a retiring allowance; but Mr. Birch's case is so long ago that I have no accurate recollection of it. I believe, however, that he proceeded in much the same way as Mr. Edmunds. He petitioned the House for leave to retire, stating his number of years' service. The petition was referred to the Committee, and no doubt the pension was awarded in the same way as in this case, but that must be now eighteen years ago. I think it was the very time when Mr. Edmunds' appointment was made; but I cannot speak positively as to that.

1804. *Chairman.*] Was that the precedent to which you alluded when you said that the Committee referred to precedents of similar cases?

No; I meant that they referred to what has been the general scale of allowances to retiring officers of the House.

1805. You stated, did you not, that you inquired into the mode in which the Treasury generally adjudged superannuations?

Yes. There is an Act of Parliament upon the subject of allowances, and there are also scales which we have acted upon, founded upon the reports of former Committees of the House.

1806. Does not the Act of Parliament require a very long period of service before any superannuation allowance is granted, unless the person applying can bring certificates of bad health?

I really do not know the full particulars.

1807. Lord *Stanley of Alderley.*] Does not the Act of Parliament relating to superannuations require that there should be an investigation into the former conduct of the officer claiming superannuation, and unless it should appear to the satisfaction of the Committee, or body granting the superannuation, that he has well conducted himself during the time he has held his office, do they not hesitate about granting the pension?

I cannot say what may be the requirements of the Act, or what may have been done under it. The retiring allowances of this House are not under it.

1808. I think you stated also that there was a general knowledge or a general impression on the part of most of the members of the Committee, that in consequence of certain pecuniary transactions in which Mr. Edmunds had been concerned in the Patent Office, he had been obliged to quit that office and resign his appointment in it?

That he had resigned it. I do not know that I can say, "obliged to resign it."

1809. Would it not then have been natural, if you considered that there had been certain transactions in which he had been concerned which were not particularly to his credit, that you should have made a further inquiry as to what those transactions were before you decided to award him a pension?

It must be apparent to everybody, I think, that those transactions must have been better known to the officers of the Government than to any other parties. The petition was presented to the House without observation and no order was made directing the Committee to inquire into it. We had only the facts stated in the petition which was referred to us, and upon those facts we had to inquire what pension Mr. Edmunds should be considered entitled to.

1810. Earl of *Derby.*] Was that petition presented by the Lord Chancellor?

I was not in the House at the time it was presented. I do not know.

1811. Is not the Lord Chancellor the chief of the Commissioners of Patents?

I believe he is, but I do not know.

1812. In that capacity was not the Lord Chancellor the man of all others in the House who had the fullest knowledge of the merits and demerits of Mr. Leonard Edmunds in the Patent Office?

I really cannot answer that question.

1813. Lord *Taunton.*] In his capacity as Clerk of the Table you yourself probably were able to form an estimate of his conduct?

Yes. I have been in the House during the whole time that Mr. Edmunds has been Clerk at the Table, and have always found him very attentive, both in his duties as clerk there and also in his duties in attending the Committees of the House, which he attended as Clerk of Private Committees.

1814. *Chairman.*] Was the question with respect to the rumours about the misconduct of Mr. Edmunds in the Patent Office not entertained by the Committee because they considered that they had only to deal with his conduct in the office which he held in the House of Lords, and for which he requested a retiring pension?

I think we had only to deal with his conduct in the office which he held in the House of Lords, under the circumstances under which the petition was referred to us. If it had been referred to us with instructions to inquire as to any matter connected with his conduct generally it would have been our duty to make that inquiry, but without such instructions the Committee had no authority to take such a step.

1815. Earl of *Clarendon.*] You state that it was matter of common rumour and understanding amongst the Committee that there had been certain malversations committed by Mr. Edmunds, but that you had no official information of that fact, and that those who presented the petition to the House, and permitted it to be referred by the House to the Committee, must have been better acquainted with that fact than any member of the Committee could have been; therefore it would seem that there were some matters that separated or distinguished this case from the ordinary cases which have come before the Committee. Did it not occur to any member of the Committee that it would have been better to have asked for that official information which they were without before they came to a decision upon a petition which came under their consideration under rather peculiar circumstances?

What took place in the Committee, so far as I am concerned, was this: I said, "I regret "very much that there is no member of the Government present, because I think it is "desirable that a member of the Government should always be present when pensions "are awarded." It was stated that there were upon the Committee only three members

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of the Government, one was the Lord Chancellor, another was the Lord President, and the third I think was Lord Stanley of Alderley.

1816. Lord *Stanley of Alderley.*] I was not on the Committee. My name is not in the list.

Then there are only two members of the Government upon the Committee. At the time when the Committee was sitting, the Lord Chancellor was sitting in the House on Appeals, and it would have interrupted him to have asked him to come in; and Lord Granville was not down at the House; we should have perhaps deferred the Committee altogether if it had been put off until he could have attended. I stated that I thought it desirable that they should have been present to call the attention of the Committee to the subject, especially in a financial point of view; in fact I think that generally would be the case; but the other members of the Committee, although they also desired the presence of a member of the Government, when they heard the reasons why neither of the noble Lords was present who might have represented the Government on the subject, were disposed to proceed, and accordingly the motion was made that the pension should be of the amount I have stated, and it was agreed to by the Committee.

1817. Duke of *Somerset.*] You considered, in short, that the only question referred to you was the amount of the pension?

Yes; only the amount of the pension.

1818. And having had great experience in Committees of the House, you think it very undesirable that Committees should enter into inquiries where they are not by their instructions directed to enter into such inquiries?

I think so.

1819. Therefore you thought that you ought not to enter into any inquiry with respect to Mr. Edmunds' conduct in the Patent Office?

I thought that if there had been anything in the proceedings of Mr. Edmunds which would, in the opinion of those who had investigated them, have rendered it improper for him to receive a pension from the House, some statement would have been made to prevent the petition being referred to us in the bare manner that it was.

1820. Lord *Stanley of Alderley.*] You stated that you thought it desirable that some members of the Government should have been present to express their opinion upon the conduct of Mr. Edmunds?

Not upon the conduct of Mr. Edmunds. What I said was, that I thought that when a pension of any considerable amount was to be awarded by the Committee, it was always desirable that a member of the Government should be present, because individually the Committee are not responsible. No member of a Committee is responsible for a vote come to by the Committee generally. Therefore it is desirable, if you can, to have the sanction of a responsible person to that which is more or less a charge upon the public funds, as this pension of 800*l.* a year of course may become.

1821. If that was your opinion, did it not occur to you that it was desirable to have adjourned the Committee until an opportunity could have been given to you of obtaining the attendance of a member of the Government?

I stated my view to the Committee, and none of the other members of the Committee seemed to think it desirable that it should be adjourned. On the contrary, some of them stated reasons why they thought it more desirable to proceed without the attendance of those noble Lords. I believe what weighed chiefly with them was the question of delay. The impression evidently upon the minds of the Committee was that there was no reason which made it worth while to propose a delay.

1822. Lord *Panmure.*] Seeing that the pension awarded to Mr. Edmunds does not come out of the public funds, or the funds passing through the Treasury, at all events, but out of the Fee Fund of the House of Lords, have the members of the Government any more interest than any other noble Lord in the House in looking after the application of that fund?

The Fee Fund at the present moment, on account of the great amount of private business, is very large, and it is quite capable of paying this pension to Mr. Edmunds without coming for that pension upon the public funds. But any deficiency that there is in the expenditure of the House is made up by a vote of the other House of Parliament, and therefore I consider that any charge we make upon the Fee Fund does require consideration as one that will or may come ultimately upon the public funds.

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1823. Earl of *Clarendon.*] I understand you to say, that as chairman of the Committee you proposed to the Committee that it should be adjourned?

No. What I did was this: I always like a Committee thoroughly to understand, as far as my experience can guide them, what it may be desirable for them to do or to desire, and therefore I said that for my own part I thought it was always desirable that in cases of this kind a member of the Government should be present; but that at the same time it was open to the Committee to proceed at once, if they pleased. We had full power to do what we pleased upon that subject, and it was for the Committee, not for me, to determine what course should be taken, I having suggested to them that point.

1824. You suggested to them the point that it was desirable that a member of the Government should be present quoad the matter then before the Committee, namely, the pension to Mr. Edmunds?

No; not as regards Mr. Edmunds, but quoad any question of a pension of such an amount.

1825. Not as regards that particular case?

No. In justice to the Committee, I am bound to say that the point I suggested to them was not as regarded the case of Mr. Edmunds, but as regarded the question of awarding a pension generally. I said I liked to have some person present who would be responsible as representing the Executive.

1826. Do you not think that it would be desirable that whenever there is a question of awarding a pension, which is of very rare occurrence, some special notice should be given to such members of the Government as are members of the Committee, in order that they may attend?

The order of the House was to refer this petition for a pension to the Committee, and therefore every member of the Committee knew what the subject was that he was called upon to consider.

The Earl Granville, K.G.

The EARL GRANVILLE, K.G., having been sworn, is examined as follows:

1827. Duke of *Somerset.*] You were not present, I believe, at the Parliament Office Committee on the day on which the pension to Mr. Edmunds was settled?

No. If the Committee will permit me, I will state the circumstances under which I was not present. The petition, I believe, was presented very early in the evening. I was not in the House at the time, and I was not aware that the petition had been presented; and although I might have made myself aware the next morning, by reading all that had passed in the minutes of the proceedings, that such a petition had been presented, practically I was not aware of it. The card summoning the members of that Committee contained nothing specifying what were the subjects that were referred to it, and I declare to the Committee that I was perfectly ignorant that this subject would be brought before it. I cannot state now whether I should have attended or not, if I had known that this subject was to be brought before that Committee; but I certainly should not have attended without communicating with the Lord Chancellor, and probably with Lord Palmerston, and ascertaining what, in their opinion, it would have been my duty to communicate on the part of the Government.

Sir J. G. Shaw Lefevre, K.C.B.

Sir JOHN G. SHAW LEFEVRE, K.C.B., is called in; and having been sworn, is examined as follows:

1828. Earl of *Malmesbury.*] What is your office in this House?

Clerk of the Parliaments.

1829. In the course of this investigation Mr. Edmunds has stated that "on Tuesday "the 7th of March, the Lord Chancellor, through his Secretary, Mr. Abraham, requested "Mr. Leman to attend at the House of Lords on that day between three and four "o'clock. Mr. Leman attended accordingly, and was called into his Lordship's private "room, where he found the Lord Chancellor, Lord Granville, and Sir John Lefevre." Is that within your recollection?

I cannot recall the date at this moment, but I have no doubt that that is correct.

1830. Will you tell the Committee what conversation passed in the room whilst you were there?

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As far as I can recollect, something was said with regard to the mode in which Mr. Edmunds' petition had got to the Lord Chancellor.

1831. *Chairman.*] That was not in the presence of Mr. Leman, was it?

No; that was before Mr. Leman came in. At the moment, the question having arisen quite suddenly, I really forgot how it got there. I said I remembered nothing, except that it had come through my hands. I forgot at the moment how it got into my hands, and I did not know how it should have come in that way. I said I thought somebody had brought it to me by the Lord Chancellor's direction. That led, I think, immediately to Mr. Leman being sent for, and he then stated that the petition was brought to me by the direction of the Lord Chancellor, not by himself (Mr. Leman), but by Mr. Edmunds, and that Mr. Edmunds had been told to do so.

1832. Earl of *Malmesbury.*] Told to do what? to resign?

No; to bring the petition to me.

1833. Do you recollect the following conversation, which is stated by Mr. Edmunds to have taken place: "The Lord Chancellor asked Mr. Leman, as Mr. Leman informed "me, 'Who told you that if Mr. Edmunds' resignation was not in Sir John Lefevre's "hands on the next day by four o'clock, I would lay the Reports against Mr. Edmunds "on the table of the House, and move for the Committee on that same day.' Mr. Leman "replied to the Lord Chancellor, 'Your Lordship yourself told me so.' Upon which the "Lord Chancellor asked 'Where?' Mr. Leman replied, 'In this room, my Lord.'"

I recollect a conversation to that effect. I cannot say that I remember the precise words.

1834. Can you tell me when you received the order, and from whom, to appoint the Committee?

I did not receive any order to appoint the Committee at all.

1835. Who does receive the order?

I generally do it myself. Having ascertained from the chairman of Committees the time that may be convenient for him, as he always attends, I generally do it on my own authority, or rather at my own discretion, when I think there is anything for which it is wanted.

1836. It is summoned usually at the beginning of the session, is it not?

Usually; not universally. Sometimes I have not found it necessary, or likely to be necessary, till quite late in the session; but ordinarily it is early in the session. There usually arise circumstances which require it.

1837. Do you remember on what date you summoned the Committee?

I think it was on the very first day of the session; as early as the third day, certainly. I had an independent reason for doing so, quite unconnected with this case, although no doubt the possibilities incidental to this case might otherwise have influenced me. There was a necessary reason for its being summoned, because one of the clerks in the office was paralyzed, and I wanted to have authority to make arrangements for supplying his place, and also for appointing another clerk. Those arrangements were very necessary.

1838. But would you have summoned the Committee for that purpose if there had been no question relating to Mr. Edmunds?

Certainly; I have no doubt about it.

1839. Was it summoned before the petition of Mr. Edmunds was presented?

Yes; it was summoned before Mr. Edmunds' petition was presented.

1840. Lord *Chelmsford.*] Do you remember receiving the petition of Mr. Edmunds?

Perfectly.

1841. Did you deliver it to the Lord Chancellor?

I took it in to the Lord Chancellor; that I remember perfectly.

1842. Into his private room?

Into his private room.

1843. Do you recollect what time that was?

It was in the afternoon, certainly; I should think between three and four o'clock, but I really will not be quite certain about it; perhaps between two and three

1844. Was

1844. Was the House sitting for appeals at that time?
No; for the Lord Chancellor was in his room when I went in. I think it could be found out immediately from the Minutes whether the House was sitting on appeals; it would not be difficult to ascertain that.

1845. You say you think it was about two or three o'clock in the afternoon?
I think so; it was a short time after it was brought to me.

1846. Duke of *Somerset.*] Did you assist Mr. Edmunds in drawing up his petition?
I did.

1847. Lord *Taunton.*] Was there anything unusual or particular in the form in which that petition was drawn?
I do not think there was at all.

1848. It was the usual petition?
I cannot say that. The precedents have been so very rare, and each depending upon its own circumstances, that I cannot call it the usual form; it stated as little as possible, no doubt.

1849. *Chairman.*] With respect to all the arrangements for Committees affecting the establishment of the House of Lords, you are very apt to give very useful assistance to the House of Lords by taking upon yourself to make certain arrangements by calling upon the Peers for those Committees when they are wanted, are you not?
I do so invariably; I wish one statement of mine not to be misinterpreted. I am bound quite frankly to say that I have no doubt that I called the Committee together, under the apprehension that something might be wanted in reference to the case of Mr. Edmunds; but, however, that was not the sole reason. I had a necessity, which I have already mentioned, for summoning it, and I acted upon that necessity.

1850. It is not your habit, is it, to specify the subjects that are to be discussed in the cards summoning the Peers.
No; I have never done that at all.

1851. Earl of *Derby.*] There was no special summons upon that day to take into consideration the petition of Mr. Edmunds?
No; there was no special summons upon that day. I think the Committee was summoned before the petition was presented; but your Lordships will forgive my saying I cannot be sure of that, for I have been sent for here quite suddenly, and I really do not at the moment know the exact dates.

1852. Earl of *Clarendon.*] The cards summoning the Peers went out without reference to Mr. Edmunds' petition?
Yes; without any reference to Mr. Edmunds' petition, I believe.

1853. Earl of *Malmesbury.*] Without any reference to it on the card, you mean?
Yes.

1854. And the Committee would have been summoned in any case on account of the officer who was paralyzed?
Yes. I may perhaps add, that I have a very great wish for the Committee to meet early in the session, in order that I may lay before them the state of the finances, and point out various things to them. I always wish them to meet early, though I do not feel it right to trouble them sooner than is necessary.

1855. *Chairman.*] Would there be any practical difficulty in stating the agenda upon the cards summoning the Peers?
Not the slightest; I should be very glad indeed if I were permitted to put the agenda upon the card.

1856. Lord *Taunton.*] You must have had ample opportunity of observing the conduct of Mr. Edmunds as Clerk of the Table. In your opinion has he discharged the duties of that office in a diligent and faithful manner?
Quite so; I have never seen anything to the contrary at all; I think he has performed his duties very well.

The witness is directed to withdraw.

Ordered, That the Committee be adjourned till to-morrow, Twelve o'clock.

Die Veneris, 24° Martii 1865

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

The Lord Chancellor.

24th Mar. 1865.

The LORD CHANCELLOR, having been sworn, makes the following statement:

I have been desirous of attending the Committee in order that I may give you the fullest information in my power relating to the subjects of your inquiry. I think it will be better that I should begin from the commencement of any proceeding relating to Mr. Edmunds. I perceive from the Master of the Rolls' evidence which has been partly communicated to me that there was some misapprehension upon a particular point. The first circumstance that was brought to my knowledge affecting Mr. Edmunds was I think in the month of July 1862, when a letter was sent to me signed by a Mr. Prior, a man who had been a discharged clerk from the Patent Office, and I believe of no reputation. He stated a complaint against Mr. Edmunds, which consisted of this, that a clerk in the office of the name of Smith had been guilty of defalcations; that he had purloined part of the public money; and that upon the discovery of that, instead of it being communicated to the Commissioners of Patents, it was smothered in the offices. Security was taken from Mr. Smith for part of the money he had embezzled, and a portion of the residue of the money was made up by contribution from the clerks.

This the Commissioners made the subject of inquiry, and it ended in Mr. Greenwood being appointed to make an investigation into it, and I think he made his Report in the month of January 1863. The substance of that Report was that certainly a felony had been committed; that security had been taken for the amount of the embezzlement; that the amount had been realized; that a portion of it had found its way into the Exchequer, by being fused in the accounts as if it had been money received; and that another portion of it, amounting, I think, to 390*l.*, or some such sum, had been received by Mr. Edmunds, and not accounted for at all. That Report was laid before us. We had a meeting of the Commissioners; and I confess that I thought it a serious subject, not that I entertained any notion whatever of any dishonesty on the part of Mr. Edmunds, that never for a moment entered into my mind, but I thought it a very serious thing that a man at the head of the management of a public office should smother a transaction of that kind, which really amounted almost, if not entirely, to compounding of a felony, and should not communicate it to the Commissioners.

We had several meetings upon that subject, which continued for some time; but my colleagues took a more lenient view of Mr. Edmunds' conduct than I did. Before, however, we came to any final determination, Mr. Edmunds, in 1863, and as nearly as I can recollect in the month of June, intimated to me that he wished to resign his offices. I had not the least objection to his so doing. He stated that he had not served

The Lord Chancellor.

4th Mar. 1865.

the necessary time for a full pension, but he requested me to facilitate his views in that respect, by stating to the Treasury that it would be for the public service that he should resign; and I was willing so to have done, conceiving the public service to be benefited, because as Mr. Edmunds had two offices, one of 600*l.* a year as Clerk to the Commissioners, and one nominally, thought not actually, of 400*l.* a year as Clerk of the Patents, the Commissioners thought that the Clerkship to the Commissioners might be dispensed with; and therefore if Mr. Edmunds resigned, and the offices were consolidated, there would be a saving of the public money. That, however, was either not carried out, or else proved to be insufficient to the mind of the Treasury, and Mr. Edmunds reported to me that he was unable to obtain the pension he desired, and therefore he wished to continue in his office.

I have troubled your Lordships with this statement, because you were unable to understand the letter that was written in July 1863, and which is in these words:

"My dear Master of the Rolls,

You will recollect that my views of Mr. Edmunds' conduct were rather more severe than yours and that of the Attorney General and Solicitor General; but I gladly yielded to the more lenient view. Our action was, as you may recollect, interrupted by Mr. Edmunds announcing his resignation. That suspended all further action; but after some weeks delay he stated that he must defer his resignation, because he could not obtain a full pension."

The next sentence was private. You must recollect that this was a private letter to the Master of the Rolls, and though I wrote this sentence, I did not mean to make a charge against Mr. Edmunds. "Whether this was intended or not I know not, but it completely "baffles our proceedings. The returns being deferred by him until the last moment," (these are the returns to the Treasury,) "and my signature being pressed for, I signed, "for the moment forgetting the subject. But I agree with you that it ought to have been "stated," (by that I meant the character of the 390*l.*, which was for the first time included by Mr. Edmunds in this account, but was entered as if it was money received, and not as bearing its true denomination, namely, that it was money recovered in payment of a default,) "and the origin of the further sum now paid in by Edmunds ought to have "been explained. The whole thing has been cleverly done, if it was planned so to do "it. The best way will be to send a minute to the Audit Board, which Mr. Edmunds "must prepare. If you approve of this, will you send for him, and order him to pre-"pare the draft of a minute? I have often felt annoyed at the termination of the matter."

That was the conclusion of that investigation; no further step was taken. I believe that explanation was rendered to the Treasury, and the matter there ended. Unfortunately the quarrels in the office did not end; there was great and irreconcileable dispute or controversy between Mr. Edmunds and Mr. Woodcroft, who is the next person in authority in the office, and the difficulties arising from that controversy grew to be so great, that in the early part of 1864 we determined to make further inquiries. I must mention, that upon looking back upon the matter it will appear as if we had been dilatory. But the Committee must recollect that a commission had issued upon the subject of the whole Patent Law, and the commission had examined into the state of the office, and in a great measure I postponed my action because I expected from time to time that the commission would make some report. However, at the beginning of 1864, we found it necessary to delay no longer, and accordingly I received a letter from Mr. Edmunds, which, I think, is dated the 10th of March, which has been produced to the Committee, and in which Mr. Edmunds, in the most fair and open manner, challenged, or rather I should say invited, a full investigation into his conduct in every particular, desiring only that that investigation should extend to the conduct of Mr. Woodcroft, in order that the true source of the embarrassment and difficulties in the management of the office might be ascertained.

I think Mr. Edmunds mentioned in that letter that he wished some counsel to be employed; but he suggested Mr. Johnson, the solicitor to the Suitors' Fund. I thought it desirable that it should be conducted by persons of rather high professional grade; and having received the approbation of the Commissioners to the employment of Mr. Greenwood and Mr. Hindmarch, I sent for Mr. Edmunds, and showed him those names. Mr. Edmunds at once said that they were very proper persons, and that he had no possible objection to them. I then requested the Master of the Rolls to be so good as to prepare a letter of instructions to those gentlemen. I believe the letter of instructions has been printed, but I have the original here.

1857. *Lord Chelmsford.*] Your Lordship refers to the order of the Commissioners of Patents, directing the inquiry dated the 3d of May 1864?

Yes.

The Lord Chancellor.

24th Mar. 1865.

Yes. I have here a letter which my secretary tells me the Master of the Rolls sent to me, with a copy of the letter of instructions. I do not know that there is anything material in it; but the Master of the Rolls refers to the circumstance that it ought to have been done before, and says, "I thought it best to make the terms of the letter as "general as possible, in order to leave the whole matter to the discretion of the two "gentlemen."

I think it right, especially to Mr. Edmunds, to ask the Committee to do me the favour to notice that the instructions relate only to his conduct as Clerk to the Commissioners. I had never had the slightest intimation of any misconduct by Mr. Edmunds as Clerk of the Patents. The inquiry, therefore, was directed into his conduct and into Mr. Woodcroft's conduct in the management of the business of the Patent Office exclusively. My secretary wrote to the Treasury for their approbation of the step, saying that it would be necessary to give some remuneration to the gentlemen engaged in the inquiry. I think that letter has been produced.

I heard no more of the matter until the morning of the 24th of June. Very early in the morning of the 24th of June, I think it was between nine and ten o'clock, Mr. Edmunds came to my house, and hurriedly requested me to accept his resignation of the office of Clerk to the Commissioners, and also of the office of Clerk of the Patents. The circumstance and his manner gave rise to some misgivings in my mind. I declined to sign the paper which he then desired me to sign, and which, with your Lordships' permission, I will hand to you. The paper which he requested me to sign was an application to the Treasury for a superannuation allowance. It is an application first to the Commissioners of Patents, to be permitted to resign, and then it concludes in this manner, written in pencil for me to add, "The Lord Chancellor approves of the above-"written application, and recommends that it shall be acceded to." This is the paper.

The same is handed in, and is as follows:

"Patent Law Amendment Act (1852), 15th and 16th Victoria, c. 83.

The application of Mr. Leonard Edmunds to be permitted to resign the office of Clerk of the Patents, and to receive a superannuation allowance in respect of such office, under the Act of the 22d Vict. c. 26.

To the Lords Commissioners of Her Majesty's Treasury.

The Right Honourable Richard Lord Westbury, Lord High Chancellor of Great Britain, reports as follows: The applicant entered the public service in November 1830, having been at that time appointed Purse Bearer attending the Great Seal, an office of the Court of Chancery. He held that office until November 1834. The applicant was appointed Clerk of the Patents in August 1833, under the Act 3 and 4 Wm. 4. c. 84. He has held that office thirty years and ten months. The applicant was appointed Clerk of the Commissioners of Patents on the 1st of October 1852, under the Act 15th and 16th Victoria, c. 83.; the two offices of Clerk of the Patents and Clerk of the Commissioners having been combined. The applicant has held the above-named combined offices from the said 1st October 1852, eleven years and eight months. The public service of the applicant has been altogether thirty-three years and seven months. Eleven years and upwards have elapsed since the last promotion of the applicant. The actual salary of the applicant in respect of the said combined offices is 1,000*l.* per annum; viz.:

Clerk of the Patents	£400
Clerk of the Commissioners	£600
	£1,000

The age of the applicant is sixty-one. The applicant holds the office of one of the Clerks at the Table in the House of Lords, but receives no other public money by compensation, half pay, or otherwise. The applicant having fulfilled all the conditions and requirements of the said Superannuation Act, and having discharged his duties with diligence and fidelity, and being desirous to resign the said office upon allowance of superannuation, the Lord Chancellor is of opinion that he should be allowed so to do.

June 1864. The* Lord Chancellor approves of the above-written application, and recommends that it shall be acceded to."

*[This sentence is written in pencil.]

The Lord Chancellor.
24th Mar. 1865.

This paper was brought to me by Mr. Edmunds early in the morning of the 24th of June, and I was requested to sign it. I declined to do so; and believing that something must have occurred to occasion the request, I wrote to the Master of the Rolls this letter:

" My dear Master of the Rolls,

Mr. Edmunds has come to me to state his great anxiety to resign immediately his two offices of Clerk of the Patents and Clerk to the Commissioners. I am a little surprised at this sudden and extreme anxiety. Are you aware of anything having been done by Messrs. Greenwood and Hindmarch that may have led to it? Mr. Edmunds was very anxious that I should sign the accompanying paper, which I declined to do until you had seen it."

The next paragraph relates to something else. I accordingly sent that letter, together with this paper, to the Master of the Rolls. The Master of the Rolls returned it to me on the very same day, I believe, with a short note, which I am unable to find, but the tenor of which was that he thought it very much the best thing that could be done to allow Mr. Edmunds to resign, and that he should have signed the paper. I accordingly endorsed the paper, with these words, as a direction to Mr. Edmunds:—" This " must be converted into a memorial of application by Mr. Edmunds in his own person " to the Lords Commissioners of the Treasury. To this the Lord Chancellor will " append an observation that he approves of the application being made, and recom- " mends that it be acceded to." That was done, either on the 24th or on the 25th of June 1864. Mr. Edmunds accordingly adopted that form. I signed his memorial, and it was sent in to the Treasury.

1858. Viscount *Hutchinson*.] Does your Lordship recollect the date of that memorial?

I cannot tell you accurately the date, but I think the letter from Mr. Edmunds which accompanied it will furnish the date. I find I have here the original memorial returned to me from the Treasury. It is dated the 27th of June. My signature is put to this passage: " The Lord Chancellor approves of the above-written memorial, and recom- " mends that the application for superannuation therein contained be acceded to." I will hand in that paper. It is a Treasury document.

The same is handed in, and is as follows:

" Patent Law Amendment Act, 1852, 15 & 16 Vict. c. 83.

To the Lords Commissioners of Her Majesty's Treasury.

The memorial of Mr. Leonard Edmunds to be permitted to resign the office of Clerk of the Patents, and to receive a superannuation allowance in respect of such office, under the Act of the 22d Vict. c. 26., states as follows:—

The applicant entered the public service in November 1830, having been at that time appointed Purse Bearer attending the Great Seal, an office of the Court of Chancery.

He held that office until November 1834.

The applicant was appointed Clerk of the Patents in August 1833, under the Act 3 & 4 W. 4. c. 84. He has held that office thirty years and ten months.

The applicant was appointed Clerk of the Commissioners of Patents on the 1st of October 1852, under the Act 15 & 16 Vict. c. 83., the two offices of Clerk of the Patents and Clerk of the Commissioners having been combined.

The applicant has held the above-named combined offices from the said 1st of October 1852, eleven years and eight months.

The public service of the applicant has been altogether thirty-three years and seven months.

Eleven years and upwards have elapsed since the last promotion of the applicant.

The actual salary of the applicant in respect of the said combined offices is 1,000*l.* per annum; viz^{t}.

Clerk of the Patents - - -	£400
Clerk of the Commissioners - -	£600
	£1,000

The age of the applicant is sixty-one.

The applicant holds the office of one of the Clerks at the Table in the House of Lords, but receives no other public money by compensation, half pay, or otherwise.

The

The Lord Chancellor.

24th Mar. 1865.

The applicant having fulfilled all the conditions and requirements of the said Superannuation Act, and having discharged his duties with diligence and fidelity, and being desirous to resign the said office upon allowance of superannuation, hereby requests the Lords Commissioners of Her Majesty's Treasury will be pleased to grant such superannuation.

June 27th, 1864. L. EDMUNDS.

The Lord Chancellor approves of the above-written memorial, and recommends that the application for superannuation therein contained be acceded to.

WESTBURY, C."

That memorial was, I believe, in the course of being acceded to when the fact came to the knowledge of Mr. Greenwood. Mr. Greenwood hurried up to me, told me that there were circumstances of a very fearful character which would be embodied in the Report of Mr. Hindmarch and himself, which had been then very nearly completed, and would be signed almost immediately, and told me that it was absolutely requisite, he thought, that all further proceeding upon that memorial should be stayed. I communicated with the Commissioners of Patents, and they being of the same opinion, I addressed a letter (of which I have here the copy, which my secretary kept,) to the Lords of the Treasury. I will hand in that letter.

The same is handed in, and read as follows:

" The Lord Chancellor presents his compliments to the Lords Commissioners of the " Treasury, and requests that a certificate signed by the Lord Chancellor, and appended " to a memorial presented by Mr. Leonard Edmunds, may be considered as re-called.

" The certificate was given before the Lord Chancellor was informed of certain grave " charges against Mr. Edmunds of misconduct as a public officer, and which, in the " judgment of the Lord Chancellor, must be strictly examined before any retiring " pension can be awarded. 30th June 1864."

That letter appears to have been sent to the Treasury. Messrs. Greenwood and Hindmarch's Report was signed, I think, on the 12th of July.

1859. Earl of *Clarendon.*] That was the Preliminary Report, I suppose?

Yes; that was what is called the Preliminary Report. It was signed on the 12th and sent to me on the 14th of July. Immediately that I received it, on the 15th of July, I wrote this letter to the Master of the Rolls. " My dear Master of the Rolls. " The Report of Mr. Greenwood and Mr. Hindmarch respecting the conduct of " Mr. Edmunds is a statement that requires the immediate attention of the Commis- " sioners. I did not receive it until yesterday. I would have appointed a meeting " to-morrow (Saturday) afternoon, but that on my reaching home I found a summons " to the Cabinet at three o'clock. I must fix four o'clock at my room at Westminster on " Monday next, if that is not inconvenient to you." The Commissioners met accordingly on Monday at my room, and we took the matter into very serious consideration.

1860. Lord *Chelmsford.*] Did all the Commissioners meet? Did the law officers meet as well as the Master of the Rolls and yourself?

I think they did. I cannot be certain. I am pretty confident that the Attorney General was there, but I will not be confident about the Solicitor General. I am sure that the Attorney General was there, together with the Master of the Rolls. We deliberated very much upon it. Our anxiety arose from the particular passage at the end of the Report, in which the Commissioners recommend that Mr. Edmunds should be discharged, not only from the office of Clerk of the Commissioners, but discharged from the Office of Clerk of the Patents. Upon an examination of the Report I reduced the charges, I thought, to two principal heads, one of them being that a sum of public money had been taken by Mr. Edmunds, and used for the purpose of making a profit by discount.

1861. Lord *Chelmsford.*] Probably your Lordship would like to see the letter which contains the charges; it is dated the 25th of July?

Yes; that letter is printed. First of all I desired a case to be laid before the law officers, to know whether Mr. Edmunds, as Clerk of the Patents, was an officer of the Court of Chancery, and liable to be removed by me, in conjunction with two of the other judges. They reported, as Messrs. Greenwood and Hindmarch had done, that in their opinion he was such officer, and liable to be removed by me.

1862. Have you got that statement and the answer of the law officers?

I have not got it here. In consequence of that we had another meeting, and the

The Lord Chancellor.

24th Mar. 1865.

Attorney General was desired by me to give Mr. Edmunds full information of the charges as they were to be collected from that Report, which it was desirable that he should answer. The Attorney General accordingly prepared this notice of the 25th of July, and that notice was sent to Mr. Edmunds.

1863. Earl of *Derby.*] Does your Lordship recollect what day of the week the 25th of July was?

I think it was Monday. On the 25th of July this notice was prepared (I think it was Monday), and the notice given to him was to come on the following Monday the 1st of August. I would gladly have given him a longer period of time; but upon applying to the Vice-Chancellor, Sir William Page Wood, and also to Sir John Stuart, Sir William Page Wood remonstrated strongly against being detained at all, and Sir John Stuart had either gone to Scotland, or had made arrangements to go to Scotland before the Monday. Vice-Chancellor Wood had made arrangements to go abroad on the Tuesday or the Wednesday, and it was with great difficulty that I could get him to remain to attend the inquiry. I was compelled, therefore, to limit the period of time to the 1st of August; that was a week's notice, or scarcely a clear week's notice. This notice was sent to Mr. Edmunds, together with a copy of the Report.

After that I heard nothing, until, to my surprise, on the 28th of July Mr. Leman came and requested to see me; that is the first time that I heard of Mr. Leman in the transaction. Now it is right that I should mention that I had known Mr. Leman all my life. He was at the same school with myself. He is a man of great respectability and character in the profession, and at that time (last July) was President of the Law Society. I mention these circumstances, not only in justice to that gentleman, but also to account for his having had access to me in a manner which probably in an ordinary solicitor I should not have allowed. Mr. Leman came to me, as I have stated; and certainly his statement to me was that Mr. Edmunds desired to resign. I have not the least recollection of any request having been made to me to allow him to have counsel. If Mr. Leman distinctly recollects it, I should be sorry positively to deny it, but it could scarcely have escaped my recollection, and unquestionably refusing an opportunity of being heard by counsel is a thing that I never should have dreamt of doing.

But if the Committee will do me the favour to observe these things, I think they will agree with me that there must be some error in Mr. Leman's memory. Mr. Leman, I am told, says that he saw the Report on the 26th of July, and immediately resolved to advise Mr. Edmunds to resign. Now will your Lordships be good enough to add to that this statement by Mr. Edmunds himself contained in his answer to the Preliminary Report at page 16. "Your Lordship will probably recollect that so long previously as the early part of 1863, having both attained the age (sixty) and completed "the term of public service (thirty years) which were requisite to entitle me to the "usual superannuation allowance, I applied to your Lordship for leave to resign my "offices of Clerk of the Patents and Clerk to the Commissioners of Patents, requesting "at the same time your Lordship's kind assistance in obtaining from the Treasury the "allowance to which I was entitled. Upon the perusal of the Report my previously "existing desire for retirement revived with additional force. It was evident to me, "for reasons which I will explain more fully presently, that I could not hope to retain, "with advantage to the public service, the offices of the Clerk of the Patents and "Clerk of the Commissioners of Patents, and an intimation was therefore made to your "Lordship that I was prepared to resign those offices." Now certainly that tallies entirely with my recollection; but there is no one word of that statement which is consistent with the representation made now, that this gentleman, either by himself or by his solicitor, applied to be heard before me and the Vice-Chancellors by counsel, and that I refused that application.

My distinct recollection is, that no application was made to me to do anything but to receive his resignation. Now, of the spirit in which I should have met that application, I beg the Committee to judge, by a subsequent letter which I caused to be written to Mr. Leman by my principal secretary on the 8th of August. This is the letter: "Sir, I "am directed by the Lord Chancellor to send you his compliments, and to express his "regret that illness has delayed his communicating with you respecting the wish "expressed by Mr. Edmunds that he might have an opportunity of explaining some "parts of the Report of Messrs. Greenwood and Hindmarch." (That wish was expressed after his resignation.) "The specific charges extracted from that Report, and delivered "to Mr. Edmunds, and the day fixed for hearing him on those charges, namely, last "Monday, the 1st of August, were all intended to afford Mr. Edmunds the fullest "opportunity of disproof or explanation; and as he declined to avail himself of them "the

" the Lord Chancellor treated the Report, being the result of inquiries made in " Mr. Edmunds' presence, as an admitted document, and transmitted it to Lord Cran- " worth and Lord Kingsdown. But, notwithstanding this, the Lord Chancellor will " gladly afford Mr. Edmunds full opportunity of explanation and answer, particularly if " you will superintend his defence, which the Lord Chancellor trusts will be done, as on " the occasion of a former complaint and inquiry the statements of Mr. Edmunds were " so vague and so inoperative in expression as to be rather injurious than the contrary. " At the same time, as this subject has occupied a long period of investigation, and it " must be brought to a conclusion," (I referred then to the Commissioners' inquiry,) " the Lord Chancellor expects that Mr. Edmunds' resignation will be sent to him " within a fortnight from this date. He will request Lord Cranworth and Lord Kings- " down to suspend forming any opinion in the interval."

The Lord Chancellor. 24th Mar. 186[illegible].

My clear recollection that no request was made to me for counsel is confirmed by the circumstances I have mentioned, and by that which I am about to mention to your Lordships.

When Mr. Leman came to me to tell me, that Mr. Edmunds wanted to resign, I thought, though I did not take the liberty of saying so, that Mr. Leman incurred very great responsibility. Here were certain charges against Mr. Edmunds, which certainly, as stated, amounted to a charge of felony, and Mr. Leman was about to advise his client to resign the two offices he held, in the face of those charges. Now I did what I could to prevent its being done, and I did it in this way:—I took care to have written to Mr. Leman this notification, first, that I would not accept the resignation unless Mr. Leman sent me a letter to state that it was done under his advice, for I anticipated the very thing that has occurred, namely, that Mr. Edmunds at a future time would repent of that resignation; secondly, I warned Mr. Leman, as far as I could take the liberty of doing it, by this letter, that his client must forthwith account for and pay over to the Treasury every sum of money due from him; and further, in order that Mr. Leman might feel that by his client's resigning he was only putting off the day of trial, I told him distinctly that I should feel it my duty to take the opinion of Lord Cranworth and Lord Kingsdown as to the course which, under the circumstances, it would be my duty to adopt with reference to the office of Reading Clerk and Clerk of Private Committees. I said that I would not accept the resignation of Mr. Edmunds without the concurrence of the Master of the Rolls and of the other Commissioners, and I received the consent of the Master of the Rolls and the Attorney General. With all these cautions, I did accept the resignation.

1864. Lord *Chelmsford.*] The Master of the Rolls has told us that he agreed in the propriety of accepting the resignation, upon the payment of all that was due from Mr. Edmunds to the Treasury. I do not know whether it was a verbal communication with the Attorney General, or whether he wrote to your Lordship?

I cannot remember to tell you. Unfortunately, from my not paying very great attention to it, many of the little notes of the Master of the Rolls have been lost or mislaid. He would send me small notes sometimes. I am unable to find several of them now, but I think the Master of the Rolls distinctly stated this opinion.

1865. He stated that he concurred in opinion with your Lordship that the resignation might be accepted, upon the payment of everything that was due to the Treasury; I suppose that was the opinion of the Attorney General also?

Yes. It was the opinion of the Attorney General. I cannot remember whether I saw the Solicitor General upon it or not.

I took this further caution; and I appeal to these things because they show the manner in which I compelled Mr. Leman to consider most seriously the step he was taking. I said, " I will not take the resignation unless it is made in writing, and attested " by you." And accordingly I had this document sent to me,—" I hereby surrender " the combined offices of Clerk of the Patents and Clerk of the Commissioners of " Patents," witnessed by Mr. Leman. And Mr. Leman sent me the letter that you have heard read, in which he distinctly stated, " I am authorized by Mr. Edmunds to " say that he forthwith surrenders his office of Clerk of the Patents as also the office of " Clerk to the Commissioners of Patents, and that he undertakes at once to account " for and pay over to the Treasury all sums of money due from him." I will read, with the permission of the Committee, a subsequent passage, in order to explain what I did upon that, which has been misunderstood:—" Mr. Edmunds hopes, however, that " your Lordship will think it right not to take the opinion of Lord Cranworth and Lord " Kingsdown as to the course which, under all the circumstances of the case, it will be " your

The Lord Chancellor.
24th Mar. 1865.

" your Lordship's duty to adopt, with reference to the office of Reading Clerk in the " House of Lords, until after your Lordship is in possession of and has considered his " (Mr. Edmunds') answer to the Report of Messrs. Greenwood and Hindmarch."

Now it has been represented to the Committee that, disregarding that request, I did, upon the next day, send the Report to Lord Cranworth and Lord Kingsdown, and that I stated that Report to be an admitted document. The Committee will clearly understand the reason of that, when I remind them that I was at that time under the impression that I had the power of discharging Mr. Edmunds. Of course I knew there ought to be an investigation before that power was exercised, but I thought it still a very serious subject of inquiry whether, even if these allegations were perfectly true, I ought to discharge Mr. Edmunds, and therefore I requested Lord Cranworth and Lord Kingsdown to tell me this: Supposing all those charges against Mr. Edmunds prove to be true, will it be my duty to discharge him from his office?

1866. Lord *Chelmsford.*] Will your Lordship be good enough to put in the letter which you sent to Lord Cranworth or Lord Kingsdown?

The same is handed in, and is as follows:

" 1, Upper Hyde Park Gardens, W.,
My dear Lord Kingsdown, August 1, 1864.

Mr. Leonard Edmunds is an officer of the House of Lords. He holds two appointments, and is removable from office by the Lord Chancellor, either at pleasure or at all events for good and sufficient cause. I assume the latter. Mr. Edmunds being also Clerk of the Patents (an office on the Petty Bag side of the Court of Chancery) and Clerk to the Commissioners of Patents (under the Act of 1852), very grave charges were in 1863 and the present year brought against him for misconduct. Mr. L. Edmunds desired that a full investigation should be made by two gentlemen of rank and character. With his entire assent, I named Mr. J. Greenwood, Q.C., one of the solicitors to the Treasury, and Mr. Hindmarch, Q.C. These gentlemen entered on their duties more than two months ago. They conducted their inquiries in the presence of Mr. Edmunds, calling on him for statements and explanations on every head.

The document which accompanies this letter is the Report which they have found it right and necessary to make.

On receiving this Report I deemed it necessary that proceedings should be taken to remove Mr. Edmunds from his offices as Clerk of the Patents and Clerk to the Commissioners of Patents, unless he was able to make a good defence to the charges contained in the Report. The Attorney General accordingly embodied the effect of the statements in the Report in distinct charges, a copy of which and also a copy of the Report were delivered to Mr. Edmunds, with a notice requiring him to appear before the Lord Chancellor and the Vice-Chancellors Sir R. T. Kindersley and Sir W. P. Wood (that being the tribunal by statute), to show cause why he should not be removed from his office. This day, the 1st of August 1864, was the day appointed for hearing. Mr. Edmunds took the advice of Mr. James Leman, an able and experienced solicitor, President of the Incorporated Law Society. Mr. Leman, having fully examined the matter, requested me to allow Mr. Edmunds to resign. I stated to Mr. Leman that I could not do so without the concurrence of the other Commissioners (viz., the Master of the Rolls and Attorney and Solicitor General), and *then only* on the terms of Mr. Edmunds undertaking to account for and pay over to the Treasury all monies due from him forthwith, and also with an intimation that I should place the Report, as an admitted statement, in the hands of your Lordship and my Lord Cranworth, which I now do, and request your Lordships to favour me with your opinion, *whether it is consistent with my duty to the House of Lords and the public to allow Mr. Edmunds to remain an officer of the House of Lords.*

Mr. Edmunds accordingly elected to resign his offices of Clerk of the Patents and Clerk of the Commissioners. This resignation is attested by Mr. Leman. With the consent of the Master of the Rolls and law officers, I have accepted it.

Whether he ought to be deprived of his other offices is now the question on which I beg the aid of your Lordship's opinion and that of Lord Cranworth.

Believe me, my dear Lord,
Yours very sincerely,
The Lord Kingsdown. WESTBURY."

I beg to repeat that I wrote that letter because I felt this:—If all the charges turn out to be true, there may still be a serious question whether Mr. Edmunds ought to be discharged

The Lord Chancellor.
24th Mar. 1865.

discharged from the office of Reading Clerk, and therefore, before we enter upon any inquiry, I want you to tell me whether it is your conviction that if this Report is true it will be my duty to discharge him from his office.

1867. Lord *Chelmsford.*] Probably your Lordship would like to see your exact words. They are these:—"Whether it is consistent with my duty to the House of Lords and the public to allow Mr. Edmunds to remain an officer of the House of Lords."

Yes. I wished to explain why I called the Report an admitted statement. The object was this, it would be an idle thing to enter into the inquiry if, when the charges were proved to be true, it could still be thought that I ought not to discharge him from the office, and therefore I said to Lord Cranworth and Lord Kingsdown, as I am the depositary of this power, and as I do not mean to exercise it, and will not exercise it, according to my own judgment or opinion, but I will act entirely according to your judgment, tell me, before we enter upon this inquiry, whether, supposing the inquiry should terminate in these charges being proved to be true, it would be my duty to discharge Mr. Edmunds. Now I beg the Committee also to observe another thing, that I did not ask, should I be justified in discharging him, but I put this pointed question, whether my duty to the House of Lords and the public made it imperative upon me to discharge him.

I received letters in answer to mine from Lord Cranworth and from Lord Kingsdown. I have their permission to use them. Lord Cranworth's first letter came to me on the 3rd of August; it was followed up by another more deliberate letter on the 5th of August. Lord Kingsdown sent me a letter on the 8th of August, and all those letters concur in this conclusion, that if those charges were substantiated it would be my bounden duty to exercise that power, which we all supposed to be vested in me, and to discharge Mr. Leonard Edmunds from his office in the House of Lords. When I received this letter, I then sent the letter of the 8th of August to Mr. Edmunds, having had some previous request from Mr. Edmunds, that he was to prepare his reply. The first letter came from Lord Cranworth, and was in these terms:

"My dear Lord Chancellor, Holwood, Bromley, 3d August 1864.

I have read attentively the Report made by Mr. Greenwood and Mr. Hindmarch on the subject of the charges against Mr. Edmunds. It is stated therein, that Mr. Edmunds, having advanced to Mr. Ruscoe in 1853, out of the money which had come to his hands as Clerk of the Patents, a sum of 500*l.* to be applied in the purchase of stamps for which they were allowed a discount, though they received their full amount from the public, that sum was in August 1863 repaid by Mr. Ruscoe to Mr. Edmunds, and placed to the credit of his private account at his bankers The Report, after stating these facts in detail, proceeds (p. 12.) thus: 'We find, therefore, that this sum of 500*l.* was part of the monies received by Mr. Edmunds by virtue of his office, and that by procuring the payment of it to his own use Mr. Edmunds has misappropriated the sum of 500*l.* the property of the Crown;' and in a subsequent passage, after justly reprobating this practice adopted by Mr. Edmunds and Mr. Ruscoe of obtaining discount on stamps which were charged without discount to the public, they go on to say (p. 14.), 'For a high officer like Mr. Edmunds we think that the practice was without excuse, dishonest and disgraceful; and the difficulties which they threw in our way when we were endeavouring to acquire a knowledge of the facts satisfied us that they were conscious they had done wrong.' The Report states that 'Mr. Edmunds had at Coutts' bank two accounts, a private account and a Patent Office Account. Into this latter account all sums received on account of the Patent Office were or ought to have been paid. A balance of 4,896*l.* 4*s.* 11*d.* is now standing to the credit of that account, and Mr. Edmunds is ready to pay that sum over to the Treasury.' But the Report suggests that there are strong grounds for believing that this sum does not comprise all which is due from Mr. Edmunds to the Crown, and states that he has frequently drawn considerable sums of money out of this account for his private use.

There are several other charges and matters of detail stated in the Report, but I do not refer to them, for I think that unless he can satisfactorily clear himself from these charges the dignity of the House would be violated if he were allowed to hold his post.

I think he ought to be called on to show cause why he should not be removed on account of the charges contained in the Report. It may be said this will only be repeating what has been done already, but I do not think it is. [Mr. Edmunds had submitted there had been no investigation.] He might feel that the mere fact of his having allowed the public money to accumulate at his bankers for many years, without rendering any account of it, or paying it over, would afford sufficient ground to remove him from the office of

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Clerk of the Patents, by virtue of which the money came to his hands. But if that were all, there might not be grounds for rejecting him from his office, unconnected with such defaults. I hardly think it possible that he can absolve himself from charges imputing dishonesty, as well as mere negligence. Still, in order to be on ground perfectly safe and sure, I think he ought to be called on in the mode I have suggested. Unless he can make it apparent that he has been honest, though neglectful and careless, the circumstances seem to me to make his removal from the office of Clerk at the Table of the House of Lords necessary.

Believe me,
Yours very truly,
CRANWORTH."

The next letter I received was from Lord Kingsdown, but it enclosed a letter which had been written to him by Lord Cranworth, and as that is of a prior date to Lord Kingsdown's own letter I will read that first.

" My dear Kingsdown, 5th of August 1864.

I had written to the Lord Chancellor before I got your letter. My opinion is that Edmunds ought to be removed from his office as one of the Clerks of the House of Lords, unless he can clear himself of those parts of the charges which imputes to him positive dishonesty, *e.g.*, that he has applied public money to his own use. I have added that I think before he is removed (I assume the power of removal to exist) he should be again called upon to answer the charges; for although he has, with reference to the Patent Office, agreed to resign, that might possibly be because having even carelessly left the public money at his bankers, he felt he could not expect longer to hold the office in which he was to be the recipient of public money.

I think, therefore, that a further opportunity should be given to justify himself, if he can. If he is unable to do so, I cannot think that the House is bound to retain, or ought to retain, at its table, a clerk who has been shown to be guilty of such gross dishonesty, even though it was dishonesty in a different office from that which he holds in the House. How are we to expect open and confidential communication between Lefevre or Rose with a man disgraced as Edmunds has been?

Yours very truly,
CRANWORTH."

That was the letter to Lord Kingsdown. Lord Kingsdown sent it to me in this letter:—

" My dear Lord Chancellor, Torry Hill, Sittingbourne, 8th August 1864.

I rather understood from your letter that you wished to have a joint opinion from Lord Cranworth and me with respect to Edmunds' case, and I therefore communicated with him upon the subject. I find that he has already written to you, and suggested some further opportunity of defence being given to the accused. If this be given, it would be premature in the meantime to give a judgment. But I cannot doubt that, on the Report of Mr. Greenwood and Mr. Hindmarch (unless a very different face should be put upon the facts by further inquiry), it would be inconsistent with your duty to permit Mr. Edmunds to remain an officer of the House of Lords, assuming as I do (not having the Act to refer to) that you have the power to remove him for misconduct not connected with his office. I retain the papers till I hear further.

Ever sincerely yours,
KINGSDOWN."

I then told Mr. Edmunds, through Mr. Leman, on the 8th of August, that he should have a full opportunity of making his defence. When that defence was completed, I intended to transmit it to Lord Cranworth and to Lord Kingsdown, and to leave the adjudication on the inquiry wholly and entirely in their hands. I promised Mr. Edmunds on the 8th that I would write to them to desire them to suspend their opinion, and accordingly I did so, and I received from Lord Cranworth in reply this further letter on the 12th August 1864.

The same is handed in, and read as follows:

" Holwood, Bromley,
" My dear Lord Chancellor, 12th August 1864.

I will attend to the papers in this unhappy affair of Mr. Edmunds as soon as I receive them. My opinion was, and is, that for any misconduct in his office of Clerk of the Patents, amounting to dishonesty (and the applying of public money to his own use is primâ facie dishonesty), he ought to be removed from his office of Clerk at the Table of

of the House. There might be neglect, or perhaps even delinquency, to some extent, in his office of Clerk of the Patents, which might be of a nature not to compel or even justify his removal from another office. All this will have to be considered attentively when he is called on to show cause why he should not be removed from his office of Clerk in the House of Lords. *The Lord Chancellor.* 24th Mar. 1865.

Yours very truly,
CRANWORTH."

I may mention, before I part with this portion of the subject, that it has been stated to me that Mr. Edmunds represented that I had expressed an opinion that there was no harm in what he did about the discounts. The opinion I did express was this, that so far as the discounts were concerned, if they had been obtained by Mr. Edmunds and Mr. Ruscoe with the use of their own money, and not with the use of the public money, although I thought it an irregular practice, it was not one that I would have founded a charge upon. Accordingly, in some letter that I wrote to the Master of the Rolls, I stated to the Master of the Rolls that in Mr. Edmunds' account with the Treasury I did not think he ought to be required to pay over those discounts, unless they were profits resulting from the use of the public money. I have before me the letter I wrote to the Master of the Rolls to tell him that Mr. Leman had called upon me "to induce me to consent to Mr. L. Edmunds surrendering his offices as Clerk of "the Patents and Clerk of the Commissioners forthwith. I have said that I would do so, if "you consented, and concurred in the following course:" (this is on the 29th of July, and it is scarcely possible to suppose that he had applied to me to hear counsel) "First, that Mr. Edmunds do forthwith resign his office of Clerk of the Patents and "Clerk to the Commissioners; second, that Mr. L. Edmunds do undertake forthwith to "account to the Treasury for all sums due from him as Clerk of the Patents, and to "pay the same as the Treasury shall direct; that Mr. Greenwood do make the neces-"sary communication to the Secretary of the Treasury accordingly; third, that, under "these circumstances, no account has been taken of profits by discounts received by "Mr. Edmunds; fourth, the Lord Chancellor feels it his duty to put Mr. Greenwood's "and Mr. Hindmarch's Report into the hands of Lord Cranworth and Lord Kingsdown, "desiring their opinion whether it is the duty of the Lord Chancellor not to allow "Mr. Edmunds to continue an officer of the House of Lords. The Attorney General "entirely concurs in the course being taken, and the Solicitor General will be of the "same opinion. I think it is the best conclusion, and hope you will think so too. "Mr. Ruscoe must of course be discharged."

1868. Lord *Taunton.*] Has your Lordship read Mr. Leman's evidence?

Not the whole of it; but the material parts have been read, and communicated to me, so that it is the same thing.

1869. Lord *Chelmsford.*] Probably your Lordship's attention had better be called to what Mr. Leman said upon the subject of discounts, in reply to a question I put to him. "At the first interview you had with the Lord Chancellor did anything take place upon "the subject of the charges against Mr. Edmunds respecting the discounts?—Yes; the "Lord Chancellor expressly said, with respect to the charge relating to the discounts, "that he thought there was nothing in it, and that I need not draw Mr. Edmunds' "attention to it?"

That certainly is a correct representation, in part, but it should have been accompanied with this statement, which is palpable, that if the money used for the discounts was public money that misappropriation carried with it of course a liability to account for the fruits of the public money; therefore in that respect I could not have approved of it. But what I did say I have no doubt was that the mere taking of discounts, if the money was properly obtained for the purpose, was a comparatively innocent thing, and that I would not make it a subject of charge.

1870. Earl of *Derby.*] I hope you will not consider that I do not draw a very broad distinction between the use of public money and the use of private money; but what I wish to draw your attention to is, that in the communication from you to the Master of the Rolls that question was never raised, and it was simply stated to the Master of the Rolls that you did not think it necessary that an account should be rendered to the Treasury of the profits by discounts?

Yes; that I think was wrong. It is stated here in my letter to the Master of the Rolls without that qualification. I can only account for it on the ground that it is so obvious that any person would draw the distinction; but it is undoubtedly stated, as your

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your Lordship has observed, without any such qualification as, provided the discounts are not obtained with public money. We have now got to the 8th of August, and you will find that in the letter of that date Mr. Leman was left to prepare Mr. Edmunds' answer, the whole case being, as I thought, sub judicibus Lord Cranworth and Lord Kingsdown.

1871. The whole of those letters which have been read from Lord Cranworth and Lord Kingsdown were in the absence of any explanation, and were founded simply upon the Report of Messrs. Greenwood and Hindmarch?

Entirely. I may say that they have never been shown by me or communicated in any manner to any individual until I have now shown them to you.

1872. I do not know whether you yourself examined into it, but I should like to know whether the Report of Messrs. Greenwood and Hindmarch was accompanied with the evidence which was taken before those gentlemen by the shorthand writer, and which we have had laid before us?

No.

1873. Therefore the judgment which would be formed by yourself and by Lord Cranworth and Lord Kingsdown would rest exclusively and in full confidence upon the fairness and impartiality of the Report by Messrs. Greenwood and Hindmarch?

Entirely upon its accuracy in every respect; that was what I desired the Committee to understand. I sent it to Lord Cranworth and Lord Kingsdown in that way, for the purpose of getting an answer to this question: supposing that Report is substantiated to the letter, will it be my duty to discharge Mr. Edmunds? The next thing that I come to is the application that was made to me for further time; that was in a letter written by Mr. Leman. But before I come to that I will mention, by way of corroboration of what I stated to you of my desire that this gentleman should have every opportunity that he wished for his defence, that I wrote this letter when I was on board my yacht on the 11th of August, which of course I never thought would be subjected to scrutiny; but it must answer for itself:—

"My dear Greenwood, I ought to have sent you an account of what I have done with respect to your and Mr. Hindmarch's Report, and what still remains to be done. On receiving your very clear and most careful Report, I desired the Attorney General to be so good as to extract and put in form the principal charges against Mr. Edmunds. This having been done, he was directed to show cause on Monday week last (1st August), before myself and two of the Vice-Chancellors, why he should not be discharged from his office of Clerk of the Patents and Clerk of the Commissioners of Patents. Before that day came, the solicitor, Mr. James Leman, requested liberty to see me; and then, having read and considered the Report, he requested permission for Mr. Edmunds to resign. Having consulted the Master of the Rolls, I consented to accept his resignation of the office of Clerk of the Patents and Clerk to the Commissioners, making at the same time the requisition that he should give an undertaking in writing forthwith to account for and pay over to the Treasury every sum of money due from him as Clerk of the Patents; and I also desired Mr. Leman to observe, and convey to Mr. Edmunds, that I should feel it my duty to submit your Report to Lord Cranworth and Lord Kingsdown and request them to advise me whether, consistently with my duty to the House of Lords and the public, I can allow Mr. Edmunds to retain his offices he now holds in the House of Lords. The resignation of Mr. Edmunds having been given in writing, and also the undertaking to account, I directed copies of your Report to be sent to Lord Cranworth and Lord Kingsdown. Mr. Edmunds has desired leave to contradict and disprove some statements in it. This of course he must have, although every part of your investigation was conducted in his presence. When I receive his statements I must submit them to you, to test their accuracy. With respect to Mr. Ruscoe, I have stated he must quit his office as soon as his accounts are made up, and I have directed an accountant to take them from the point where you left off. I suppose Mr. Leman's application is with reference to some answer now being prepared by Mr. Edmunds. But it seems to me that you cannot with propriety part with any document, though of course access might be afforded" (it was "must be" in the original letter) "to Mr. Leman or Mr. Edmunds to inspect it whilst in your custody in the fullest manner. You have had a most troublesome and disagreeable duty to discharge; but your discharge of it has rendered great service to the public."

There the matter rested until I received a letter from Mr. Leman of the 18th of August 1864. It is only material to advert to that letter, to point out to the Committee that

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that Mr. Leman then says, "he found it necessary to consult counsel." Accordingly I gave him the full time he desired, and I would have given him more time if he had desired it. He had until the 20th of September to prepare the answer to the Report. That answer was sent to me about the end of September. I sent it immediately, or very shortly afterwards, to Mr. Greenwood and Mr. Hindmarsh, for their comments and observations thereon. The whole of this was putting the matter in train for discussion by Lord Cranworth and Lord Kingsdown. When I came to London, at the beginning of term, I received a private and confidential letter from Mr. William Brougham. What I am at liberty to state from that letter was that Lord Brougham and Mr. William Brougham were both very anxious that Mr. Edmunds should resign. In consequence of that letter I sent for Mr. Leman.

1874. Earl of *Derby.*] Would your Lordship give us the date of that letter?

I cannot remember the date of that letter; but it was the end of October; but it appears that I sent for Mr, Leman on the 4th of November. I have no doubt he is correct in the date. It is more than I recollect; but I have no doubt that Mr. Leman is correct, because I remember the interview, and that is the only time, to my recollection, that I sent for Mr. Leman, but of that I cannot be certain. Mr. Leman came to me. My object in having this interview with Mr. Leman was to know whether the matter should proceed for the purpose of a judicial inquiry before Lord Cranworth and Lord Kingsdown or not. As far as I recollect, Mr. Leman expressed great surprise at being told that Mr. Edmunds had been recommended or urged to resign, and the matter there ended. Now I am told that Mr. Leman says that he had another interview with me on the 8th of November. I have not the least recollection of any such interview, nor can I at all tell to what that interview could possibly relate. Your Lordships will judge of that when I show you these letters that I have here which were addressed to me by Mr. Leman on the 29th of November 1864, and the 6th of December 1864 all of which are applications for assistance to enable Mr. Edmunds to complete his defence. The letters were generally sent in Mr. Edmunds' handwriting, but signed by Mr. Leman. This is the first letter.

The same is handed in, and read as follows:

"51, Lincoln's Inn Fields,
"My Lord, November 29th, 1864.

In preparing Mr. Edmunds' Report" (it should be reply) "to the last observations of Mr. Greenwood, a copy of which your Lordship has been good enough to forward, I have the honour to request that your Lordship will direct Mr. Greenwood to supply me forthwith with a copy of the letter of instructions under which he and Mr. Hindmarch prosecuted their original inquiries. Mr. Greenwood promised to furnish Mr. Edmunds with a copy of such letter at the opening of the proceedings; but he has hitherto not only neglected so to do but has positively refused such copy, for want, as he alleges, of the instructions of the Commissioners of Patents.

I have the honour to remain,
My Lord,
Your Lordship's most obedient servant,
JAMES LEMAN"

Then there was another letter from Mr. Leman of the 6th December 1864.

The same is handed in, and read as follows:

"51, Lincoln's Inn Fields,
"My Lord, Dec. 6, 1864.

Will your Lordship excuse me in calling your attention to my letter of the 29th ultimo, requesting your Lordship to direct Mr. Greenwood to furnish me forthwith with a copy of the letter of instructions under which he and Mr. Hindmarch prosecuted their inquiries in the Patent Office. Mr. Greenwood has not sent the copy required. Mr. Edmunds' answers, in refutation of the new charges and allegations contained in Mr. Greenwood's single Report of the 29th October last, addressed to your Lordship, are prepared, and we are only waiting the receipt of the copy of the letter in question to enable us to transmit the answers to your Lordship, which we are anxious to do without delay. I informed your Lordship that Mr. Greenwood expressly promised to

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furnish Mr. Edmunds with a copy of the letter of instructions at the opening of the proceedings.

I have the honour to remain,
My Lord,
Your Lordship's most obedient servant,
JAMES LEMAN."

I refer to this letter because I am told that Mr. Leman asserts that on the 8th of November I made some representation with respect to Mr. Edmunds having a pension. I have not the smallest recollection of any such interview; and it seems to me scarcely possible that anything of the kind could have taken place, because Mr. Leman had so entirely repudiated all notion of Mr. Edmunds resigning on the 4th of November, the time of the first interview.

1875. Lord *Chelmsford.*] Probably your Lordship would like to hear what Mr. Leman says upon that subject. "You have stated that you had a second interview with the "Lord Chancellor?—Yes; on the 8th of November. That was four days afterwards? "—Yes; that was four days afterwards. Where was it?—It was also in the Lord "Chancellor's room. Was it also by the Lord Chancellor's desire, or by yours?—By "the Lord Chancellor's desire. Will you state what took place between you and the "Lord Chancellor on that occasion?—The Lord Chancellor upon that occasion stated "distinctly to me——How was the conversation begun?—It was begun in the same way "as that on the former day, by Mr. William Brougham's correspondence. By referring "again to this correspondence?—Yes; and the Lord Chancellor then distinctly told "me that if Mr. Leonard Edmunds would resign his place he would throw no obstacle "in the way of his obtaining a pension. After the 8th of November, for some time "I believe you had no further communication with the Lord Chancellor?—I had no "further communication with the Lord Chancellor after that interview on the 8th of "November until the 4th of February." That is Mr. Leman's statement?

I have not the smallest recollection of anything of the kind having occurred. I think it impossible that it could have occurred, in consequence of what passed on the 4th of November. I will presently advert to and state fully all that was then said on the subject of pension and resignation. Now I heard nothing further from Mr. Leman. But one of my secretaries found at the end of November that I was mistaken in supposing that I had the power of discharge. We investigated the matter, and Mr. Pulman, the Librarian of the House, who is a fund of information on all subjects, sent me up a minute to show me that I had not the power; that the power was in the House, and that Mr. Edmunds could not be discharged without a vote of the House. And Sir John Lefevre was kind enough to send me a letter to that effect, which is dated 9th December 1864. I was also quite misinformed up to that time as to the authority to grant Mr. Edmunds a pension. I thought it was the Treasury, in the ordinary way. I was not aware of the practice of the House, or of the House having a fund at its disposal for such a purpose, neither was I aware of the constitution or functions of that Committee which is called the Parliamentary Offices Committee. I received full information in consequence of the inquiry that was made; and the course I then took was this—I consulted the Government, and put to the Government precisely the same question that I had put to Lord Cranworth and to Lord Kingsdown.

1876. Earl of *Derby.*] Upon what date did your Lordship make that communication to the Government?

I cannot remember the date, but it must have been before the 21st of December. I received this information in the early part of December, and before the 21st of December I consulted the Government upon that point.

1877. By the Government, your Lordship means the Cabinet, of course?

Yes; I prefer using the word "Government;" everybody understands the term. The Cabinet were of the same opinion as Lord Cranworth and Lord Kingsdown, namely, that it was my duty to the House of Lords to bring the matter before the House. Accordingly I directed my secretary to send to Mr. Leman, which he did on the 21st of December, a letter which I think the Committee has already seen. That letter pointed out to Mr. Leman that I had discovered that the power of removal was in the House, and that my intention was to lay all the papers on the Table of the House, and to move for a Special Committee to inquire into the matter.

1878. Lord

1878. Lord *Chelmsford.*] I do not know whether we have that letter before us. Will your Lordship have the goodness to hand it in?

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Yes.

The same is handed in, and is as follows:

"1 Upper Hyde Park Gardens, W.
21st December 1864.

Sir,

I am directed by the Lord Chancellor to send you the following communication. Upon examining the Act of Parliament relating to the offices of the Clerks of the Table of the House of Lords, including the office held by Mr. Edmunds, his Lordship finds that a vote of the House is necessary for the removal of any clerk. The course, therefore, that his Lordship determines to adopt with respect to Mr. Edmunds is this: To lay upon the Table of the House, at the commencement of the session, the charges which have been presented to him affecting Mr. Edmunds, and the answers Mr. Edmunds has given thereto, and then to move the House of Lords for the appointment of a Select Committee to take the subject into its consideration. His Lordship has thought it right, as he has had some personal communication with you as the solicitor of Mr. Edmunds, to give you this early notice of the course he intends to adopt.

I am,
Your obedient servant,
(Signed) Augustus B. Abraham,
Principal Secretary."

James Leman, Esq.

1879. Lord *Taunton.*] That Select Committee would have been a different Committee, I apprehend, from the usual Parliamentary Offices Committee?

Yes; I said a Select Committee. I intended to move, as I say here, for a Select Committee to take the subject into its consideration.

1880. Not the usual Committee specially instructed, but a different Committee?

Yes.

1881. Lord *Chelmsford.*] What you intended to do was to lay upon the Table of the House, at the commencement of the session, the charges which had been presented to you affecting Mr. Edmunds, and the answers Mr. Edmunds had given thereto, and then to move the House of Lords for the appointment of a Select Committee to take the subject into its consideration?

Yes.

1882. Earl of *Derby.*] That was upon the assumption that Mr. Edmunds continued up to the period of the appointment of that Select Committee to be the Reading Clerk of the House?

Yes, entirely. I do not wish to interlace my narrative with argument further than I can help it, but I must beg the Committee to observe that that letter, when I directed it to be written, was sent by me without the smallest notion that Mr. Edmunds had any intention to resign, further than that, as I have told the Committee, I had received a private and confidential letter from Mr. William Brougham, telling me that Lord Brougham and he had urged Mr. Edmunds to resign. I heard nothing more of the matter until the 4th of February, and on the 4th of February I am told that Mr. Leman says I sent for him. I have no recollection of having done any such thing. I do not believe that I ever sent for Mr. Leman, except on the 4th of November.

1883. Lord *Chelmsford.*] Probably it might be convenient for your Lordship to know exactly what Mr. Leman says upon that subject: "I had no further communication "with the Lord Chancellor after that interview on the 8th of November until the 4th "of February. That was on a Saturday?—That was on a Saturday; and then, also, "although I went to the Lord Chancellor on my own motion, I found that the Lord "Chancellor had sent in the morning to request that I would call upon him; and, "therefore, to my great surprise, I found him quite prepared to receive me." Then again he is asked, "On the 4th of February you had another interview with the Lord "Chancellor?—I had an interview with him then at his home at Hyde Park Gardens, "and I then took in my hand a paper which Mr. Leonard Edmunds signed, which I have "here. This is the paper. 'L. E. proposes to resign the office of Reading Clerk in the "'usual manner; viz., a petition to the House to grant to him the usual retiring allow-"'ance to which he is entitled for his services. That the petition will be presented on "'Tuesday at the meeting of the House. To ask the Lord Chancellor, under these "'circumstances, not to move for the Special Committee, or at least to postpone such "'motion.

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" 'motion. 4th February 1865 (initialed) L. E.' That paper I handed to the Lord " Chancellor when I went into his room, and he read it. That paper contains these " words, 'not to move for the Special Committee;' what information had you had " previously to that that the Lord Chancellor would move for a Special Committee?— " I had understood from various people that he would move for a Special Committee if " there were no resignation. That was assumed as the intention of the Lord Chan- " cellor?—Yes. This paper was drawn up by me in my private room at Lincoln's Inn " Fields. I made Mr. Leonard Edmunds put his initials to it, and then I took it to the " Lord Chancellor, and handed it to him to read, and he read it, and said, 'If the " 'resignation takes place between this and Friday I will throw no obstacle in the way " 'of the pension.' It was perfectly clear that the Lord Chancellor was expecting me " on that occasion, and that he was therefore prepared at once to fix the day, Friday. " Earl of *Clarendon.*] When you say 'to fix the day' you mean for the resignation?— " The day before which it should take place; it was the following Friday. I then said " to the Lord Chancellor, 'My Lord, would your Lordship object to Mr. Edmunds " 'taking his seat in the usual way at the table of the House of Lords?' He said, " 'I shall take no notice of it if he does.' On what day did the Lord Chancellor say " that to you?—On Saturday the 4th of February. That was before the meeting of " Parliament?—Yes; that was before the meeting of Parliament. What time of the " day was it? It was early in the morning; I should say between eleven and twelve." That is all that he says about it?

Mr. Leman's memory some years ago was, I think, much better than it has been lately. I certainly have no recollection of sending, nor do I believe that I sent, for Mr. Leman; nothing had occurred, nor could anything have occurred, to have induced me to send for him. I had nothing to do with it. Mr. Leman came precisely as he there represents, and he produced to me that paper. I had then a good deal of conversation of a friendly and I may say of a confidential character with him. I expressed my surprise that Mr. Edmunds, having so large an income, and being an unmarried man, should have been tempted to use the public money as he had done. Mr. Leman stated to me that there were many extenuating circumstances; many that he could not mention; but he mentioned one or two, and particularly one, that Mr. Edmunds was in the habit of contributing largely to the maintenance of his sisters, one or two of whom, I believe, were in a state of want and misfortune; I think one was in a lunatic asylum. I then stated most distinctly to Mr. Leman that I thought this resignation was the best thing Mr. Edmunds could do; that it would relieve me from the duty imposed upon me of being Mr. Edmunds' accuser, and that I would throw no obstacle in the way of his having a pension. I told him so distinctly, but with this addition, I think, that I should not feel that I was under any obligation to pursue Mr. Edmunds before the Parliamentary Committee. I stated that to Mr. Leman distinctly and clearly, because it was the course of conduct which I had laid down for myself. I would not have proceeded at all, unless I had been told that my public duty required it. That was the question that I put to Lord Cranworth and Lord Kingsdown. I would not have proceeded at all if the Cabinet had not told me that it was my duty to do so. But that duty was only to take care, that in the face of these charges Mr. Edmunds should not remain an officer of the House of Lords. Whether I was right, or whether I was wrong, the rule I laid down to myself was this, that whilst he remained an officer, it being my duty to bring the charges before the House of Lords, I must do so; but when he ceased to be an officer I thought I had no longer any such duty, and I told Mr. Leman of my own accord that I would not pursue him before a Committee. Now that is the only time when I had any conversation with Mr. Leman upon the subject of the pension. What I told Mr. Leman was exactly what he says there, that I would throw no obstacle in the way of the pension. I never held out to Mr. Leman, or to any individual, in any manner, direct or indirect, that I would do anything beyond being passive and silent, until I was called upon. I never for one moment spoke of the pension by way of inducement to Mr. Edmunds to resign; but when I was told that Mr. Edmunds had resolved to resign, and when that written paper was produced to me, then, in conversation with Mr. Leman, with whom, as I have already said, I conversed in a familiar manner, I gave him, of my own accord, that statement, that I considered my duty no longer required me to pursue Mr. Edmunds, or to accuse him before the Committee. There are one or two observations which I must make, to explain what followed. After this had taken place, Mr. Leman sent a letter to me, requesting further time. I do not know whether your Lordships have that letter. It was written to me, I think, on the 6th of February. It was addressed to my secretary. It runs thus:—" Will you have " the goodness to request the Lord Chancellor to postpone any motion in the House of Lords

" Lords till Monday or Tuesday, instead of Friday. I am desirous of having a further " communication from Mr. William Brougham or Lord Brougham before anything is " done in the House of Lords, and I cannot depend on getting a reply to my letter by " Friday." My secretary answered that, in this letter of the same day:—" Dear sir, " The Lord Chancellor desires me to say, that he is willing to postpone action in the " House" (the letter was marked private, and evidently was written hastily,) " until " Monday next; but his Lordship cannot approve of Mr. Edmunds attending the House " in the interval, so you had better take care that he does not do so." Before that day arrived, that is, before the 13th of February, in consequence of a communication made to me by Mr. William Brougham, I thought it my duty to tell Mr. Leman that I would lay the papers on the Table, unless Mr. Edmunds petitioned to resign. As I was going into the House on the 14th, Mr. Edmunds' petition was given to me. Mr. Edmunds had sent to me this letter, which I think is printed, dated the 14th of February:— " I respectfully request your Lordship to present to the House of Lords the enclosed " petition, expressing my wish to retire from the office of Reading Clerk and Clerk of " Private Committees, and praying their Lordships to grant me such retiring allowance " as their Lordships may think fit." I received the petition just as I was taking my seat on the woolsack. The petition was presented by me, assuming it to be a common petition for resignation; and I did not advert to the fact when I presented it, that it contained a prayer for a pension. But I am bound to say this, that if I had observed that I should have presented it, notwithstanding. I believe I have no further communication to make to the Committee on this subject.

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1884. Earl of *Derby.*] If I understand you rightly, your Lordship did state to Mr. Leman, on the 13th of February, that unless the petition was in the hands of Sir John Lefevre by a certain time the next day you would proceed to move for the papers?

I sent a message to him to that effect.

1885. Lord *Chelmsford.*] In the evidence given by Mr. Edmunds he mentions the interview on the 13th of February: " On Tuesday the 7th of March the Lord " Chancellor, through his secretary, Mr. Abraham, requested Mr. Leman to attend at " the House of Lords on that day between three and four o'clock. Mr. Leman attended " accordingly, and was called into his Lordship's private room, where he found the " Lord Chancellor, Lord Granville, and Sir John Lefevre (as Mr. Leman informed me). " The Lord Chancellor asked Mr. Leman, as Mr. Leman informed me, 'Who told you " 'that if Mr. Edmunds' resignation was not in Sir John Lefevre's hands on the next " 'day by four o'clock I would lay the Reports against Mr. Edmunds on the Table of " 'the House, and move for the Committee on that same day'? Mr. Leman replied, " 'Your Lordship yourself told me so.' Upon which the Lord Chancellor asked, " 'Where'? Mr. Leman replied, 'In this room, my Lord.'" Is that correct?

Yes. Perhaps the Committee will forgive me resuming, and stating how this arose. I was about to state to the Committee the reason for my sending to Mr. Leman that peremptory message of the 13th of February. I stated that I did so in consequence of a communication from abroad. I sent that peremptory message, and the petition was then sent down to the House of Lords on the 14th, and on that day I presented it, in compliance with the request made to me by Mr. Edmunds in his letter of that date. Leaving it to the Committee to determine whether it is right to receive the private letter dated the 29th of October which I wrote and sent to Mr. William Brougham—I have two observations to make on that letter. The first is, that at the time I wrote it I believed the authority to grant a pension to Mr. Edmunds to be the Treasury, and not the Parliamentary Committee, of the functions of which I was not at that time properly informed. The second is, that I meant no more by that letter than what I had always determined to do, namely, that should Mr. Edmunds determine to resign, and resign his office, I would not, without being called on so to do, make any opposition to his receiving a pension.

1886. Earl of *Derby.*] I have already asked your Lordship whether the judgment arrived at by yourself, together with Lord Cranworth and Lord Kingsdown, was founded entirely upon the Report of Messrs. Greenwood and Hindmarch, and without any reference to the evidence which had been taken before those gentlemen.

If your Lordship will permit me to say so, I never formed any judicial opinion upon that Report. I kept my mind free from any impression about it. Except the last two sheets, I had not read it at the time when I directed that summons to be sent to Mr. Leman. I am able to answer the question as to Lord Cranworth and Lord Kingsdown, because Lord Cranworth and Lord Kingsdown had not before them anything but the bare Report, without any evidence or any other document. My letter and that Report

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was all which those noble Lords, to my knowledge, had before them. The letter, I think, points to this; that I had sent a copy of the charges.

1887. Earl of *Clarendon.*] That was your Lordship's own summary of the charges?

No; it was the Attorney General's summary. I kept my mind wholly free from any impression.

1888. Earl of *Derby.*] In the Preliminary Report I find that the charges against Mr. Edmunds are of the most serious character. For example, at page 7, Messrs Greenwood and Hindmarch state, "We find, therefore, that this sum of 500*l.* was part of the "monies received by Mr. Edmunds by virtue of his office, and that by procuring the "payment of it to his own use Mr. Edmunds has misappropriated the sum of 500*l.*, "the property of the Crown." At page 10 again I find it stated by those gentlemen, that "from that time" (that is from 1852) "to the present, he has made no more "payments into the Exchequer, and we are satisfied he never intended to do so. He "has stated that he has no reason to give for not paying over the sums which he ought "to have paid into the Exchequer." In the following page they say, "He has not "even said that he forgot" to make the payments. "Such a plea would, under the "circumstances, have been simply incredible; and we are convinced that if our "examination of the accounts produced to us (and which were obtained with the "greatest difficulty) had not enabled us to detect Mr. Edmunds' defalcations, the sums "due from Mr. Edmunds to the Crown would have been lost to the public." They subsequently state that "Mr. Edmunds sent round a statement to the Commissioners, "stating simply that he had forgotten the money" (that is another sum of money), "and the Commissioners perhaps believed him." "But now, by the light of subsequent "inquiries, we are constrained to disbelieve him." That is a distinct charge of falsehood. They go on to say, "We have no doubt that as well the money the balance of "Smith's defalcations as the money owing to the Consolidated Fund was wilfully mis-"appropriated to his own use; that he intended to keep it or spend it as suited his "private convenience; and unless he can give some very satisfactory explanation of his "conduct (and he has told us that he can give none) we think it will be difficult to "avoid coming to the conclusion that he has fraudulently disposed of money received "by him by virtue of his employment." The two gentlemen go on to state that there are further charges against him. I do not now inquire whether those charges are substantiated or not, but I wish to ask your Lordship whether the course which you thought it right to pursue with regard to Mr. Edmunds in calling for the resignation of his office of Clerk of the Patents, and in the subsequent steps you took with reference to his resignation of another office, was founded upon an entire belief that those charges could be fully and entirely substantiated?

No. I never formed any conclusion about the charges at all. I had very grave charges presented to me, concluding with a statement that Mr. Edmunds ought to be dismissed from the office. Those charges were publicly made, and I appointed a hearing, that the truth of them might be inquired into. I had formed no opinion about them at all.

1889. When your Lordship came to the decision that it would be your duty to lay these papers before the House of Lords, unless Mr. Edmunds resigned his office of Reading Clerk, the inference is, that you had formed an opinion that it was necesary that Mr. Edmunds should resign that office, or should be dismissed from that office of Reading Clerk?

I had formed no opinion, but that expressed in Lord Cranworth's letter and in Lord Kingsdown's letter, namely, that it appeared to them that there was primâ facie evidence of a fraudulent appropriation of the public money.

1890. *Chairman.*] Do I rightly understand your Lordship, that with regard to the Preliminary Report, when it was first presented to you, you did not form any judgment upon the accuracy of all that was contained in that Report, but that you thought that Report presented to you by Messrs. Greenwood and Hindmarch was sufficient to justify you in calling upon Mr. Edmunds to come and explain his conduct before you and two other Judges of the Court of Chancery?

Yes.

1891. That he thereupon resigned his appointment; which was to some degree a confirmation of the justice of the charges made by Messrs. Greenwood and Hindmarch; that subsequently, with regard to the office he held in the House of Lords, you thought there were grounds for laying the papers before the House, and proposing to the House to make an inquiry and go again over the ground to see whether Mr. Leonard Edmunds was guilty of the charges which had been laid against him by Messrs. Greenwood and Hindmarch?

Yes;

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Yes; exactly so. When I first directed the inquiry, I considered that there must be in that Report very grave and important charges, and accordingly, the matter having been looked into by the Attorney General, and certain charges extracted, I gave Mr. Edmunds an opportunity of appearing before myself and two of the Vice-Chancellors. When he declined to do so, I certainly took it to a considerable extent as an admission of the truth of that Report. Lord Cranworth and Lord Kingsdown then told me that they considered there was primâ facie evidence of the truth of the charges; but it does not rest there, because before I came to the resolution, having taken the advice of the Cabinet that it was my duty to lay the papers before the House of Lords, Mr. Edmunds had voluntarily paid into the Treasury the sum of 7,800*l.* odd, and thereby had admitted that he had received and withheld (I will not use any further word) from the Exchequer so large a sum of money, having accounted for nothing that he had received since the end of the year 1852. Upon that primâ facie evidence I certainly thought there was a very grave case against Mr. Edmunds, but I never examined it with a view to try it judicially. I kept my mind free from any final impression upon the subject.

1892. Earl of *Clarendon.*] I think your Lordship informed the Committee to-day that you considered that Mr. Edmunds' resignation upon reading the Report of Messrs. Greenwood and Hindmarch was a step so dangerous for himself, and apparently such an admission of his culpability, that you required for his own protection and defence that it should be done under the advice of and attested by his professional adviser?

Indeed I did. I thought it was a most serious step to take.

1893. As an admission of at least some portions of the Report?

Yes; in the face of those charges; to resign could leave but one impression on the mind. I thought Mr. Edmunds would certainly afterwards say that he had done it under some pressure, and therefore I warned both Mr. Leman and Mr. Edmunds that I would not take the resignation unless it was done under Mr. Leman's advice, and I required him to attest the resignation accordingly.

1894. Earl of *Derby.*] That part of the question was put an end to by the resignation of the offices of Clerk of the Patents and Clerk to the Commissioners of Patents. A further examination took place in reference to the course which your Lordship should consider it your duty to take in reference to another office, namely, that of Reading Clerk of the House of Lords. Was not it with regard to the holding or the resignation of that office that the subsequent explanations and rejoinders between Mr. Edmunds and Messrs. Greenwood and Hindmarch took place?

Wholly.

1895. They were wholly with regard to that?

Yes; that was the only matter that remained to be tried judicially.

1896. Up to the conclusion of that correspondence, if I may so call it, that is to say, up to the conclusion of those answers, but previous to the Second Report of Messrs. Geenwood and Hindmarch, which was dated the 31st of January, you had been of opinion that the dismissal or the retention of Mr. Edmunds rested with your Lordship?

I remained of that opinion until the end of November or the beginning of December, when I was informed for the first time of the provisions of the Statute.

1897. Then no doubt up to that time you very carefully examined and considered the answers sent in, and the subsequent rejoinders of Messrs. Greenwood and Hindmarch, and the subsequent reply of Mr. Edmunds to those rejoinders?

No, I did not. I left that to be done by Lord Cranworth and Lord Kingsdown.

1898. Do I rightly understand that your Lordship, having the responsibility, as you believed, of retaining or dismissing that officer, did not yourself examine into the character of the defence which he made, and into the subsequent rejoinder of those who acted, as I may say, for the prosecution?

I deliberately abstained from doing so, because I had determined neither to form or express an opinion. Whatever I had to do, I determined should be done under the judgment and direction of Lord Cranworth and Lord Kingsdown.

1899. Lord *Chelmsford.*] Did you not at some period (and if so, will your Lordship be good enough to say when that period was) intimate to Lord Cranworth and Lord Kingsdown that you should not require any opinion from them upon the subject?

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I do not remember to have done so in terms; but it must have been when I found out that it was not my duty to discharge Mr. Edmunds, but that that duty would devolve upon the House of Lords.

1900. Can your Lordship at all recollect when that occurred?
No, indeed, I cannot. I think I saw Lord Cranworth personally, but I cannot pledge my memory about it; or else I saw Lord Kingsdown personally, and my impression is that it was at the Privy Council. But your Lordship knows the infinite number of things that the Lord Chancellor has to give attention to, and therefore to tax my memory is difficult. But my impression is, that when the Colenso case was going on, on which occasion both Lord Cranworth and Lord Kingsdown attended the Privy Council, I told them personally that I had discovered that the duty lay with the House of Lords, and that I should therefore relieve them from the very painful duty I had asked them to undertake.

1901. That would be at the end of November or the beginning of December?
I think so.

1902. Term ends on the 25th of November, and the Privy Council would sit on the next day, the 26th of November?
There is a postscript of a letter of mine to the Master of the Rolls, in which I mention to him the time when the appeal of the Bishop of Natal will be heard. I told him that I had been trying to get Sir John Coleridge to attend, that I desiderated your Lordship, because you were abroad, and that I had some difficulty in getting a tribunal, and therefore I asked him to attend. That postscript would fix the date as being the 14th of December. My impression is that when we met at the Privy Council, both Lord Cranworth and Lord Kingsdown being members of the Judicial Committee on that appeal, I then told them both personally that I had discovered that it was the duty of the House of Lords, and that they would no longer be burthened with the painful duty of coming to a decision upon the subject.

1903. Earl of *Derby*.] There is a question incidentally before us with regard to the Patent Office. Your Lordship found out in the course of this inquiry, or rather these frequent inquiries, that there had been great irregularities and great mismanagement on the part of the different officers in the Patent Office. I think you stated that Mr. Edmunds held two distinct offices of Clerk of the Patents and Clerk to the Commissioners of Patents?
Yes.

1904. Both of those offices were vacated. Did you find it necessary, upon those offices being vacated, to make any new arrangements with regard to the distribution of the offices?
The arrangement that I made was this: The office of Clerk of the Patents is an old office, and is often referred to by Statute, and none of the business of the patents, either for inventions or for honours, could go on without a Clerk of the Patents. I found it necessary, therefore, that there should be a Clerk of the Patents; but finding that the business of the office had gone on without Mr. Edmunds ever being present at the Patent Office, we all came to the conclusion that there was no necessity to fill up the office of Clerk to the Commissioners, and I have left it therefore vacant until this moment, in order that some final arrangement might be made about the office. We were expecting at that time the Report of the Commissioners on the Patent Law.

1905. I believe your Lordship directed to be laid before the Committee the Report of the debate that took place in the House on this subject?
I did not direct it. My secretary had it printed, I believe. However, pray use it.

1906. Your Lordship then stated that the patronage of the office of Clerk of the Patents was not with your Lordship, but with the Prime Minister, "But it was at my "request, and therefore I must assume the responsibility of the act, that the Prime "Minister appointed to fill that office a relative of mine. The other office, of more "importance, the emoluments of which were much larger, and which was in my gift, has "not yet been filled up." That is what your Lordship stated?
Yes.

1907. When the Master of the Rolls was before us the other day, he intimated, that in his opinion (and as I understand in your Lordship's also) this office of Clerk to the Commissioners of Patents, which you describe as the more important office, was one the holder of which really had nothing to do, and which was in fact so absolutely unimportant,

unimportant, that the Commissioners had thought it advisable to do away with it altogether?

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That is a very clever observation, and if it is intended to be a criticism upon the misuse of the word "important" it is very well founded. What I meant to convey by "important" was, not important with regard to the duty, but that it was the office to which the greater emolument was attached.

1908. I did not ask for the purpose of a criticism. What I wanted to ask was, whether, since the new appointment has been made, or at the time that the new appointment was made, any alteration was made in the duties appertaining to the Clerk of the Patents?

What I directed to be done was this (you will find it stated by me in a letter to the Master of the Rolls): I told the Master of the Rolls that I had sent for Mr. Bennet Woodcroft (Mr. Bennet Woodcroft is a very honest and a very worthy man, but knows very little about business), and that I had committed to him the superintendence of the office for the present. So it remains until this day, except that we have made very cautious and careful regulations about the receipt of monies by means of the stamps, and about the accounts being audited, so as to prevent the possibility of any such thing occurring again.

1909. What I wished to ask was this: It has been said (of course I do not know the fact) that your Lordship has recently made an order whereby a very considerable portion of the duties hitherto discharged by the Clerk of the Patents have been in point of fact withdrawn from that officer and transferred to some one else?

No.

1910. Your Lordship is not aware of any such alteration?

No.

1911. Lord *Chelmsford.*] It is right that I should tell your Lordship what I had heard. I had heard that there had been an order made transferring the duties of the Clerk of the Patents to some other officer or some other department?

Not to my knowledge. They cannot be transferred, as your Lordship must know very well. The duties of the Clerk of the patents are simply these: When the Home Secretary sends an order to the Crown Office that a patent should be prepared, such as, for example, a patent for a baronetcy, or a patent for the appointment of a bishop, or anything of that sort, then the actual formal duty of having the form of the patent engrossed on parchment and prepared in every respect is discharged by the Clerk of the Patents. And he has to discharge it at his own expense; that duty lies upon him by Act of Parliament; and then he receives the fees that are paid by the individuals named in those patents, and those fees he hands over to the Treasury quarterly, according to the Act of Parliament. What I have now directed is, that there shall be made quarterly a return from the Crown Office of all the patents granted, in order that that return may check the account of the monies received, which is also rendered quarterly by the Clerk of the Patents.

1912. Earl of *Clarendon.*] Did you not say in the early part of your statement, that one point had rather weighed with you with reference to Mr. Edmunds' first offer of resignation of both those offices in 1863, namely, that you thought that one of the offices might be dispensed with?

Mr. Edmunds requested me to certify to the proper office, the Superannuation Office, I think, that it would be for the public benefit that he should be permitted to resign, because there is a clause in the Act of Parliament enabling the Treasury to grant the full pension, even though there has not been the entire amount of service, if the resignation of the party is considered to be for the public benefit. He proposed, therefore, to resign both offices, and we thought that the offices might be consolidated, and some saving thereby effected.

1913. Lord *Taunton.*] Your Lordship means a saving of salary upon the combined offices?

Yes; a saving of salary. Instead of that we have not filled up at all the office of Clerk to the Commissioners, the salary of which is 600*l.* or 800*l.* a year, I forget which; and the minor office, which was required by the Statute, has been filled up; the emoluments of it being about 300*l.* a year.

1914. Your Lordship means the clear emoluments?

Yes; the clear emoluments.

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1915. Earl of *Malmesbury.*] I think your Lordship mentioned just now that you considered Mr. Woodcroft a very honest and worthy man?
As far as I know.

1916. I see in your Lordship's order to the Commissioners of Patents of the 3d of May 1864, directing the inquiry, that you directed an inquiry "into the charges made "against Mr. Leonard Edmunds, the present Clerk of the Patents, and into those made "against Mr. Bennet Woodcroft"?
Yes.

1917. We have understood in the course of our examinations here that there were some serious charges against Mr. Woodcroft, which were to have been brought forward and looked into by the Commissioners appointed by your Lordship. Can you tell the Committee why such a long delay has taken place without any inquiry into his conduct, which was ordered on the 3d of May last year, now nine months ago?
I cannot at all tell you.

1918. Or why, notwithstanding no such inquiry having been made, your Lordship has placed him as it were at the head of the office?
I have not placed him in any other position than the position in which I found him. The only duty which Mr. Leonard Edmunds performed in fact was communicating with the Treasury, receiving money, and getting supplies of stationery from the Stationery Office, and that duty is now performed by Mr. Woodcroft. But the whole inquiry was committed to Mr. Greenwood and Mr. Hindmarch, and that portion of the inquiry I suppose they have not yet arrived at. I must tell your Lordship further, that the only charges against Mr. Woodcroft that ever I heard of were these, that he caused an unnecessary expenditure in the office by carrying on a very extensive system of foreign correspondence needlessly, which created great expense; and further, that a great deal of the revenue of the office was uselessly expended in abridging and printing the specifications. Those are, as far as I remember, the only charges that I ever heard of affecting Mr. Woodcroft.

1919. Your Lordship does not know why that part of the inquiry has not yet taken place?
I do not.

1920. Viscount *Hutchinson.*] Your Lordship did not examine with any care the correspondence which passed between Mr. Edmunds and the Commissioners of Patents, and in which he made several charges against Mr. Bennet Woodcroft before the order was given to Messrs. Greenwood and Hindmarch to commence their inquiry?
No. I did not examine it very carefully, because I intended that Mr. Leonard Edmunds should have the fullest opportunity of bringing forward against Mr. Woodcroft, before those Commissioners, any charges that he thought proper, and I did not, therefore, take the trouble to examine very accurately what he had stated.

1921. Mr. Edmunds says in his statement to us, that he had accused Mr. Woodcroft of putting "ridings" upon the fees received by certain gentlemen for making the abridgments. The meaning I apprehend is, that he had obliged those subordinate officers to give up to him a part of the fees that they were paid for making those abridgments?
That is the first time that I ever heard of that. But I, myself, stopped some proceedings connected with those abridgments some time ago. Mr. Woodcroft brought to me, as long ago as last August, an account for my approbation, it being necessary that I should sign it before it went into the Treasury. I looked at the account. Unfortunately the Lord Chancellor, as my Lord Chelmsford knows, is obliged to sign a vast number of things that he can take only upon trust; but as this was the first account brought to me by Mr. Woodcroft, I looked it over, and my eye was struck with the very large sum indeed paid for abridgments of specifications. Being very much struck with that, it appears that I immediately sent this letter to my secretary (I did not know of this letter until now) on the 4th of August. It is in these words: "You will write imme-
" diately to Mr. Woodcroft at the Patent Office as follows. Let your clerk copy it," and so forth.

" Sir,

I am directed by the Lord Chancellor to inform you that he has appointed Mr. Christopher Baldock Cardew to the Clerk of the Patents, but that it is not the ntention of the Commissioners of Patents to fill up the office of Clerk of the Commissioners

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sioners at present. They will wait for a scheme for the better distribution of the duties of the persons employed in their office. They request that you will act as clerk pro tem. of the Commissioners.

" As Mr. Edmunds was always absent during this part of the year, the duties to be discharged by the Clerk to the Commissioners must be nominal. I have, however, by direction of the Lord Chancellor, written to the Treasury to inform them that you have authority to communicate with them, and with the Stationery Office, as acting Clerk to the Commissioners.

" All documents usually signed by Mr. Edmunds, as Clerk to the Commissioners, you will sign thus, B. Woodcroft, Clerk pro tem. to the Commissioners. All documents requiring to be signed by the Clerk to the Patents will be signed ' C. B. Cardew.'

" *If* ' Edmunds ' was inserted at the foot of Letters Patent for Inventions as Clerk to the Commissioners, your name must be inserted as above. *If* ' Edmunds ' was so inserted as Clerk of the Patents ' C. B. Cardew ' must be inserted. There must be a Clerk of the Patents, but there need not immediately be a fresh appointment of Clerk of the Commissioners.

" The Lord Chancellor observes with surprise the very large sum of 1,214*l.* 10*s.* desired to be paid for abridgments of specifications. The Lord Chancellor has very little opinion of the value of abridgments, and he desires that all further proceedings be stayed until he has brought the subject before the Commissioners.

" The Lord Chancellor trusts that you will use great care and economy in your orders to the Stationery Department."

Those were the directions I gave.

1922. When you ordered that letter to be written you were not aware of the state of the facts, that an inquiry had been held into the state of this office, and that the main questions for the two gentlemen who held the inquiry to consider were charges brought by Mr. Edmunds against Mr. Woodcroft and by Mr. Woodcroft against Mr. Edmunds, that the inquiry had resulted in the condemnation of Mr. Edmunds, but that there had been no inquiry whatever into Mr. Woodcroft's conduct, at least that inquiry had been adjourned, and yet you thought it right, Mr. Edmunds having been condemned and having resigned, to replace him in the office by the very man whom he had accused, and whose conduct had not yet been inquired into?

No; I did not replace him at all. I assigned to Mr. Woodcroft the nominal duties that Mr. Leonard Edmunds had discharged.

1923. Did not your Lordship feel or did not you think that it might have been held that such an appointment of Mr. Woodcroft was a kind of condonation of his previous misconduct, if any?

No, indeed, I did not. I knew of no misconduct of Mr. Woodcroft, nor had I ever been aware of any having been laid to his charge, except that of being needlessly extravagant in the use of stationery for an unnecessary foreign correspondence, and in making an application for an expenditure of public money in those abridgments which were not necessary. Both of those things I directed to be checked. I stopped the abridgments altogether, and directed him to use great care and economy in his orders to the Stationery Department.

1924. Is it your Lordship's intention then that the charges that were made against Mr. Woodcroft shall now be inquired into?

Certainly; my intention, so far as it depends upon my intention, is that the whole commission given to Messrs. Greenwood and Hindmarch shall be followed out.

1925. Earl *Graham.*] Can your Lordship explain or give any reason for Messrs. Greenwood and Hindmarch having now been about four months without having made any examination upon the subject?

Indeed I cannot tell you why that has occurred at all. They have been occupied very much indeed with these affairs of Mr. Edmunds, and you know, of course, that they are gentlemen having other duties of their own. I have left it to them without further interference.

1926. Duke of *Somerset.*] In the Preliminary Report that was made by Messrs. Greenwood and Hindmarch I find that they state in one of the first paragraphs, that " the " language adopted by Mr. Edmunds in his letters to the Commissioners will have " prepared them to believe that he is violent and intemperate in transacting the business " of the office." I wish to ask you whether it had been brought to the notice of the

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Commissioners by his letters that Mr. Edmunds was violent and intemperate in transacting the business of the office?

The charges made against him by Mr. Woodcroft, and also by several clerks who joined in a representation, were certainly to that effect, namely, that he was most violent in his language; and, according to their expression, if I recollect it rightly, most abusive.

1927. Does your Lordship remember whether Mr. Edmunds' own letters to the Commissioners had prepared you to believe that he was violent and intemperate in transacting the business of the office?

Yes. Several of his letters addressed to me and to the Commissioners certainly contained violent expressions, and expressions not usually found in public letters; but I have no desire to say anything upon that point.

1928. Lord *Taunton.*] The Master of the Rolls seemed, in his evidence, to be of opinion that there was a degree of asperity of tone about the Report of those two gentlemen that was scarcely consistent with judicial impartiality. Does your Lordship concur in that opinion? His words were these: "But nobody could take any exception to "Messrs. Greenwood and Hindmarch. They are both of them omni exceptione major, "if I may say so. I did not make any exception to their appointment; that is my "impression of what took place." Then, in answer to the next question, "Have you "any impression that those two gentlemen went into the inquiry with a feeling adverse "to Mr. Edmunds?" he says, "I had not, when they were appointed, but I am bound "to say, when I read that Report, I thought there were expressions in that Report "which did not look to me very judicial. There was what looked like animus in that "Report?"

I should not like to use the word "animus"; but there are a great number of expressions in the Report which are much too argumentative. It is an argumentative Report, instead of being confined to a simple and temperate statement of facts.

1929. Earl of *Derby.*] There are some questions which I must put to your Lordship, because I think it is very important to clear up the discrepancy between your Lordship's memory and that of Mr. Leman. I wish to know exactly how far you coincide, and how far you differ. Your Lordship has already stated that you received at the latter end of October or the beginning of November a letter from Mr. William Brougham, and that on the 4th of November you sent for Mr. Leman, who attended you at your room in Lincoln's Inn, I think?

Yes.

1930. That there you communicated to him the fact of your having received that letter?

I communicated to him the fact that I had received a statement from Mr. William Brougham that Mr. Leonard Edmunds was earnestly advised by him to resign. That was not the only communication that I had received. I had applications from noblemen to appoint their sons to the office, which proceeded upon a statement that it was commonly reported that Mr. Leonard Edmunds was about to resign his office of Reading Clerk in the House of Lords. Those applications were made to me also about the end of October.

1931. Passing over the correspondence which appears to have taken place, and which was referred to, with Mr. William Brougham, Mr. Leman states that he saw your Lordship again four days afterwards, namely, on the 8th. "You have stated that you "had a second interview with the Lord Chancellor?—Yes; on the 8th of November. "That was four days afterwards. Where was it?—It was also in the Lord Chancellor's "Room. Was it also by the Lord Chancellor's desire, or by yours?—By the Lord "Chancellor's desire. Will you state what took place between you and the Lord Chan-"cellor on that occasion?—The Lord Chancellor upon that occasion stated distinctly "to me—— How was the conversation begun?—It was begun in the same way as that "on the former day, by Mr. William Brougham's correspondence. By referring again "to this correspondence?—Yes; and the Lord Chancellor then distinctly told me "that if Mr. Leonard Edmunds would resign his place he would throw no obstacle "in the way of his obtaining a pension." I am not sure whether I correctly understand your Lordship to say that you had no recollection of that second interview at all?

Not the least. I have no recollection of any such interview, nor can I conceive for what possible purpose I could have sent for Mr. Leman, as your Lordships will perceive, if

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if you will observe that Mr. Leman states that he was astonished at the representation that Mr. Edmunds was about to resign.

1932. Pardon me, I think not. What he was astonished at was that Mr. William Brougham should have taken upon himself to make that statement without consultation, and without the knowledge of Mr. Edmunds?

That is more correct; that is the representation that he makes. I had been only imperfectly informed; but why I should send for him on the 8th of November I cannot at all understand. I have no recollection of it, and I entirely deny that I ever made any representation to him with regard to a pension, except when he told me that Mr. Leonard Edmunds was about to resign.

1933. Your Lordship had another interview with him, as he goes on to say: "On the "4th of February you had another interview with the Lord Chancellor?—I had an "interview with him then at his house in Hyde Park Gardens, and I then took in my "hand a paper which Mr. Leonard Edmunds signed, which I have here." Your Lordship recollects that that meeting took place?

I have told you already that that meeting took place.

1934. Then he says, "Then I took it to the Lord Chancellor, and handed it to him "to read, and he read it, and said, 'If the resignation takes place between this and "Friday I will throw no obstacle in the way of the pension.'"

I have told you already that I have no doubt that I used those words, and I have also told you that I had for a long time determined that if Mr. Edmunds resigned I would not pursue him to prevent his having a pension.

1935. Then, I hope, you will excuse me for referring to this Report of what took place in the House upon Tuesday the 7th of March, because I think there has been a very considerable misunderstanding upon the subject. In speaking upon that occasion I said, "My Lords, if I am not misinformed, the Lord Chancellor, before the meeting of "Parliament, intimated to Mr. Leonard Edmunds that it was his intention to bring the "whole case before this House, but that if he consented to resign his office, and not be "dismissed by the House of Lords, in that case he would place no obstacle in the way "of his receiving a pension as a retiring clerk. If the dismissal from that office be in "the hands of the House of Lords, then I say the matter ought not to have been put "on that footing, that the good offices of the Lord Chancellor would be used in pro-"curing Mr. Edmunds a pension to which he is not entitled." I will assume that that was the observation which I made. That is an observation, as you will observe, made by me, upon information which I had received, the information being that your Lordship had intimated to Mr. Leonard Edmunds that if "he consented to resign his office," "in that case he would place no obstacle in the way of his receiving a pension." Your Lordship, after the remark I had made upon it, said, "I beg to assure the House and to "assure the Noble Earl that the statement which has been made to him is utterly "without foundation?"

Yes, I remember it.

1936. You go on to say, "It is utterly and entirely untrue; I cannot account for it; "I cannot imagine how it could have originated, except from the circumstance I have "mentioned to your Lordships, namely, that an application was made to me to postpone "the statement I intended to make, and I was told at the time that Mr. L. Edmunds "expected to receive some communication from abroad. I consented to withhold the "statement and the papers, in accordance with that communication; but I never held out "to Mr. Edmunds that if he would resign I should use my good offices to obtain a pension "for him. That allegation is quite destitute of any foundation." I wish to understand whether your Lordship draws a distinction between using your good offices to obtain a a pension, and throwing no obstacle in the way of his obtaining a pension?

Yes.

1937. That is the distinction?

That is one distinction.

1938. Then, when I stated that my information was that your Lordship would throw no obstacle in the way of his receiving a pension, and that that was the only information I had received, I do not see how you could state that that statement which had been made to me was utterly without foundation; for the statement which had been made to me is precisely that which your Lordship has yourself stated in your evidence to day, namely,

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namely, that under those conditions you would place no obstacle in the way of his obtaining a pension?

I may have misunderstood your Lordship's meaning. What I understood you to state first, was this, that I promised that I would throw no obstacle in the way if Mr. Edmunds would consent to resign. If you put it in that form you will see at a glance that it makes the promise held out by me a temptation and an inducement to Mr. Edmunds to entertain the thought of resigning. That I never did. When it was communicated to me that Mr. Edmunds intended to resign, then I did, as Mr. Leman says, voluntarily and of my own accord, say, "I will throw no obstacle in the way of his having a pension." Now you understand clearly the distinction that I took. I understood your Lordship's words to imply this, that I had said to Mr. Edmunds, before he resolved to resign, "If you will resign I will throw no obstacle in the way of your having a pen-"sion." I understood your Lordship to state positively that I had gone further, and had promised to use my good offices to procure the pension.

1939. I did not say so.

Then I mis-understood you, and you misunderstood me entirely. I repeat again, that what has been uniformily my feeling is this: I never promised Mr. Edmunds anything if he would resign; but when I was told that he intended to resign, then I said, "Very well; "my duty is discharged; I will throw no obstacle in the way of his having a pension." But I should not have interrupted your Lordship if I had not conceived that you meant to state that I went further than that, and had promised my good offices. Now I never did anything of the kind. But I certainly told Mr. Leman exectly what Mr. Leman says, that I would throw no obstacle in the way of Mr. Edmunds having a pension. But then you will do me the favour to observe the distinction; that was after Mr. Leman told me that Mr. Edmunds intended to resign.

1940. Was not it part of that written paper which was placed in your Lordship's hands, that Mr. Edmunds proposed to resign, and requested that so and so should be done. These are the words: "L.E. proposes to resign the office of Reading Clerk in the usual "manner, viz., a petition to the House to grant to him in the usual retiring allowance to "which he is entitled for his services. That the petition will be presented on Tuesday "at the meeting of the House. To ask the Lord Chancellor, under these circumstances, "not to move for the Special Committee, or at least to postpone such motion" (initialed "L.E.") "That written paper I" (that is Mr. Leman) "handed to the Lord Chancellor "when I went into his room, and he read it. That paper contains these words, 'not to "move for the Special Committee.' What information had you had previously to that "that the Lord Chancellor would move for a Special Committee?—I had understood "from various people that he would move for a Special Committee, if there were no "resignation. That was assumed as the intention of the Lord Chancellor?—Yes; this "paper was drawn up by me in my private room at Lincoln's Inn Fields. I made "Mr. Leonard Edmunds put his initials to it, and then I took it to the Lord Chancellor, "and handed it to him to read, and he read it, and said, 'If the resignation takes place "between this and Friday I will throw no obstacle in the way of the pension.'"

Yes; that is the evidence.

1941. Earl of *Clarendon.*] You saw, upon receiving this notice, that Mr. Edmunds was going to resign?

Yes.

1942. Lord *Chelmsford.*] Mr. Leman's statement is, that you said that if Mr. Edmunds would resign before Friday you would throw no obstacle in the way of the pension. Does your Lordship remember that on the 9th of March a letter was written by Mr. Leman to you.

Yes.

1943. This was the letter?—

"My Lord. In consequence of what passed at the House of Lords the other "evening, I feel it due to your Lordship, as well as to myself, to recall to your recol-"lection an expression made to me by you when I had the honour to see you the day "before the meeting of Parliament at your private residence—"

It was not the day before the meeting of Parliament; but that is of no consequence.

1944. "—and which was in confirmation of a like promise made at an interview some "time earlier. The expression was to the effect that if Mr. Edmunds resigned his "office in the House of Lords your Lordship would offer no obstacle to obtaining his "pension. In consequence of your desire, I did not at the time communicate the later promise

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" promise to Mr. Edmunds, but acted on it in advising him. He was, however, perfectly " aware of the earlier one, and he was also aware of a similar promise being contained " in a letter from your Lordship to Mr. William Brougham, an extract from which " was communicated to me by that gentleman on the 6th November 1864. I mentioned " the matter to your secretary, Mr. Abraham, the other evening; but on consideration " I think it right, myself, to recall these circumstances to you, in order that you may " take an opportunity, if you think fit, of correcting any misapprehension which may " have arisen from the report in the newspapers of your observations." The only reply to that was from your Secretary on the 9th of March. " I am making up the papers for " the Committee in this matter of Mr. Edmunds. I believe I wrote you a letter in " November last, stating that it was the intention of the Lord Chancellor to lay the " papers on the Table of the House. Will you oblige me by forwarding a copy of that " letter; also be so good as to send me a copy of the extract from a letter from the " Lord Chancellor to Mr. William Brougham, to which you refer in a letter sent by you " this day to the Lord Chancellor, but which extract you omitted to insert." Your Lordship observes that you do not there question the accuracy of the statement which is made by Mr. Leman as to what passed with you upon those occasions referred to in his letter.

No; I did not go into it again. We had determined to have a Committee, and the proper place for the full explanation of the matter was the Committee. I therefore did not think proper to enter into this. Mr. Leman wrote this letter to me, with very good feeling; but he did not at all understand or perceive the distinction which I have pointed out in the noble Earl's language, the distinction which I understood, and which called from me those observations. Mr. Leman in his letter commits this same mistake precisely. He does not say, as he should have done, I placed in your Lordship's hands Mr. Leonard Edmunds' proposed resignation. I did so because he had determined to resign, and when your Lordship found that he had determined to resign, you told me that you would pursue him no further, and would throw no obstacle in the way of his having a pension. That was what I did, and had always determined to do, be it right or wrong.

1945. Earl of *Derby*.] Your Lordship stated that in consequence of his giving in his resignation you had determined that you would throw no obstacle in the way of his obtaining a pension; and, in point of fact, you did throw no obstacle in the way of his obtaining a pension?

Yes; I did nothing actively.

1946. But his resignation was, I will not say forced upon him, but he was induced the more to tender the resignation by the declaration upon your part that if he did not tender it the papers would be forthwith presented to the House?

No doubt of it.

1947. After his resignation was tendered, do I understand that it was no longer your intention to lay those papers before the House?

Certainly not

1948. It was not your intention to do so?

Certainly not.

1949. They would not have been laid before the House if public attention had not been drawn to the subject out of doors, which led to the explanation which your Lordship made a fortnight afterwards?

Rightly or wrongly, they would not. I beg the Committee for a moment to understand that from the beginning to the end I have acted upon this principle, that I would do nothing against Mr. Edmunds but what public duty required. I asked Lord Cranworth and Lord Kingsdown whether my duty required his discharge if the alleged facts were true; they said, " Yes." Then I directed the inquiry to go on. When I found that the House of Lords was the tribunal, I asked the Cabinet, Is it my duty to bring it before the House of Lords? not whether I was justified in doing it, but is it my bounden duty to do it? They said " Yes;" but that was only in order that the House of Lords might no longer have that officer, and when that officer retired I then determined for myself, rightly or wrongly, (I take all the responsibility of it,) that I would not interfere actively to prevent his having the pension.

1950. Lord *Taunton*.] Did your Lordship conceive that your duty to the House of Lords stopped there, and that you were not called upon to do anything with regard to the question of granting a pension to Mr. Edmunds?

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Indeed I did. Very probably I was wrong; but I will tell you why I did it. I thought by the Treasury having received that large sum of money, it was now reduced to a question of pecuniary demand against Mr. Edmunds, except that I considered that a man with such a stain upon his character was not fit to be an officer of our House. I did not interfere with his having a pension, for the reason that I stated in the House of Lords; namely, that if he has paid everything to the Treasury, I wish him to have the pension. If he has not paid everything to the Treasury, the pension will be suspended, and there will be no misapplication of public money.

1951. Was your Lordship at that time aware that the pension was granted, not by the Treasury, but by the Parliamentary Offices Committee of the House of Lords?

Yes; when I told Mr. Leman that I would not pursue Mr. Edmunds into a Committee, or accuse him further, I was perfectly aware of that.

1952. Earl of *Clarendon.*] You did not think that it was necessary to bring before the House of Lords the misdeeds of Mr. Edmunds in another office, in order to deprive him of the pension that he had earned in an office of which he had faithfully performed the duties?

I did not think it to be my duty. I take all the responsibility of that, but rightly or wrongly I thought my duty did not require it; and I was determined that I would not proceed against the man beyond the limits which that duty strictly required me to go to.

1953. Lord *Chelmsford.*] I wish to call your attention to this; there will appear upon our Minutes a letter, in which you state, "All I can say is, that if he thinks proper to "resign, I will do all that I can, with propriety, to obtain for him his pension;" and in the postscript, "I can with truth certify, that Mr. E. has properly discharged all "the duties of the offices he holds in the House of Lords;" that is, proposing to do actively all you can do with propriety?

It is quite true; but I had no conception that that would be communicated to Mr. Edmunds. And further, it is true that at that time I believed that he would have to apply to the Treasury, and therefore that I should have to give him a certificate of having done his duty in the House of Lords.

1954. Viscount *Hutchinson.*] Was not your Lordship aware at the time that you wrote that letter that the person to whom it was addressed, Mr. William Brougham, was a very old friend of Mr. Edmunds?

Yes, I was. When I write to a gentleman in that way and tell him I will offer no opinion on the subject, and that I will only do that which I can do with propriety, I think I reserve to myself then everything that proper prudence and caution in writing to a gentleman without reserve would at all impose upon me.

1955. Your Lordship will observe that the original letter contains no prohibition to Mr. William Brougham to communicate the contents or the tenor of the letter to Mr. Edmunds?

Do you think that such a thing would be necessary? If I were writing to your Lordship, and put upon my letter "private," what would you say if I added, "I desire "you to tell this to no one?" Unfortunately I have not got many of the Master of the "Rolls' notes, but this is one. In this note he says here, acknowledging one of mine,— "In all my experience I never met with so striking an exemplification of the old adage, "'quem Deus,' &c. His refusal to retire quietly, when nothing was known; his "insisting on a searching investigation, which has revealed the whole of his conduct, "are, now that the facts are known, quite marvellous to me."

The Chairman hands in the following letter, received from Mr. William Brougham:—

"Private.

My dear Brougham, October 29.

I cannot offer any opinion on the subject of Mr. L. Edmunds' case.

All that I can say is, that if he thinks proper to resign I will do all that I can with propriety to obtain for him his pension.

I have this day received the observations of Mr. Greenwood on Mr. Edmunds' answer to the charges made against him.

I will direct it to be copied, and that a copy be sent to you on Monday.

I will not forward the original observations to Lord Cranworth and Lord Kingsdown until Monday week, the 7th of November instant.

You

You will determine in the meantime on the course which it is most prudent for Mr. Edmunds to adopt. *The Lord Chancellor.*

Yours sincerely, 24th Mar. 1865

W. Brougham, Esq. WESTBURY.

P.S.—I can with truth certify that Mr. E. has properly discharged all the duties of the offices he holds in the H. of Lords."

Mr. WILLIAM MATTHEWSON HINDMARCH, Q.C., is called in; and having been sworn, is examined as follows: *Mr. W. M. Hindmarch, Q.C.*

1956. *Chairman.*] You are a Queen's Counsel, I believe?
I am.

1957. We have it already in evidence that you were appointed with Mr. Greenwood to examine into certain irregularities which were stated to exist in the Patent Office?
I was.

1958. Had you had any knowledge of patent business before that?
I had a very considerable knowledge of it many years previous to my appointment together with Mr. Greenwood. Many years previously I had carefully examined into all the business of the Patent Office, and the mode of transacting that business; therefore at that time I was very familiar with it, and I do not think I have ever forgotten the information I obtained in that way.

1959. Let me ask you whether, going into this inquiry, you had any preconceived bias against any of the persons employed in the office?
Not the slightest; indeed everything I had heard of Mr. Edmunds and Mr. Ruscoe was rather calculated to give me a bias the other way, because I have always had very great civility shown to me by every one of the officers in the office when I applied to them for information.

1960. It has been stated by the Lord Chancellor that in his communications with Lord Cranworth and Lord Kingsdown about points affecting Mr. Edmunds' character he relied entirely upon the accuracy and impartiality of your Reports. On the other hand, the Master of the Rolls in his evidence stated that nobody could take any exception to Messrs. Greenwood and Hindmarch, that they were both of them omni exceptione major, if he might say so; that he did not make any exception to their appointment; but having been asked whether he had an impression that you and Mr. Greenwood went into the inquiry with a feeling adverse to Mr. Edmunds, he said, "I had not when they were appointed, but I am bound to say that when I read that "Report I thought that there were expressions in that Report which did not look to "me very judicial; there was what looked like animus in that Report." I may add, that the Lord Chancellor has stated upon that point that he would not use such a word as animus, but that he thought there was something in the Report more of an argumentative nature than a mere narrative of facts?
I can only say that I had no animus, nor any ground for it. We looked through all the evidence we had of the conduct of the persons in the office before us. We were expressly told by our instructions that we were to report upon the conduct of the officers, and we certainly found that there was conduct anything but that which ought to have been pursued both by Mr. Edmunds and some one or two others of the officers. Mr. Greenwood and I in writing that Report merely gave expression to what was our opinion of the result of the evidence laid before us.

1961. In your remarks in answer to Mr Edmunds' reply there is one passage in which you state, after going through certain particulars, "In all these particulars "Mr. Edmunds' assertions were found to be anything but correct, and it is evident "that his object was to deceive us." Was that your feeling upon the evidence you received?
It was most certainly. I think the perusal of the evidence given before us would satisfy any impartial mind that the object was to deceive us; that is my deliberate opinion; it was so then, and it is now.

1962. I believe I may say that the Committee did not find Mr. Edmunds a very clear-headed witness. Do you think beyond that, that he showed any wish to evade giving answers to questions that he ought from his position in the office to have been competent to answer?
We found his statements varying from time to time with regard to the same matters, so that we could not with any confidence rely upon any statement which he made.

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1963. Earl of *Clarendon.*] He did not afford you the facilities that you think he ought to have afforded you in giving you the information which you required to elucidate the accounts?

Certainly; he did everything but that. He threw every impediment he could in our way. We were told, for instance, with regard to some fees, that there were no books in the office relating to them; then, presently, we found a book. Then, when I put such a question as this: This is a book extending for so many years; there must be a book before and after it. By-and-by a book of the required description came out. In that way we got the evidence with the greatest difficulty, both out of Mr. Edmunds and out of Mr. Ruscoe, for they both did exactly the same. They were standing side by side during the whole of our inquiry prior to the Preliminary Report,

1964. Mr. Edmunds rather gave the Committee to understand that he was suddenly pressed to go into accounts of 30 years' standing, and that he could not remember, and could not account for, payments shown on the face of the pass book, and that it ought not to be supposed that he was unwilling on that account to give information. Have you any observation to make upon that?

With respect to that Mr. Edmunds was told both by Mr. Greenwood and myself, "We will give you every opportunity to furnish accounts and explanations of every sort "in as much detail as you please. We only want you now to give us such explanations "as you are able to give, in order that we may pursue our inquiry into this matter as "well as we can."

1965. You do not think that there was any kind of pressure put upon Mr. Edmunds, or that he had not fair play given to him, considering that he had not in the least expected the inquiry; that it was sprung upon him, owing to accidental circumstances, and that he was not prepared to meet it?

I do not think that he can allege that fairly, for this reason, we did not sit day by day, but we sat a day now and a day then, and he frequently had several days between one sitting and another, during which he might amply have prepared himself to go into those matters.

1966. Over what time did your sittings extend; from the first day when your inquiry branched off from your instructions, that is to say, from the joint matters relating to Mr. Edmunds and Mr. Woodcroft, and when you went into the accounts exclusively, how long did your sittings last?

I cannot remember very well, but I think, after we began to go into the accounts, there must have been an interval of about a month; certainly three weeks.

1967. You began to go into the accounts after the third sitting, did you not?

Yes; we partially went into the accounts before the third sitting, but only to a very small degree.

1968. Earl of *Malmesbury.*] Was Mr. Woodcroft present during the inquiry?

Almost continually.

1969. Were you not directed by the Lord Chancellor to examine into his conduct as well as into Mr. Edmunds' conduct?

Yes.

1970. I believe you have not proceeded to do that yet?

No. When we found those defalcations, we stopped the inquiry into Mr. Woodcroft's conduct, in order to present the Preliminary Report.

1971. Why has no inquiry been made into Mr. Woodcroft's conduct since that time?

Because in preparing the Second Report with regard to the financial business, and the conduct of the officers as regards money, all our time was taken up. It took me very nearly six weeks to go through all the accounts.

1972. *Chairman.*] Both you and Mr. Greenwood are gentlemen very actively engaged, and heavily pressed with your ordinary duties, are you not?

Yes; very much so. I had to get rid of other business for about six weeks, to apply myself to this matter of accounts.

1973. Earl *Graham.*] About three months have elapsed since you furnished the last of those papers, have they not?

Our Second Report was in January.

1974. Lord *Chelmsford.*] On the 31st of January?

Yes.

1975. Duke of *Somerset.*] I think you reported in your Second Report of the 31st of January, "In prosecuting the long and tedious inquiries into the facts mentioned in this "Report

" Report (and numerous other incidental matters) we have received the greatest " assistance from Mr. Woodcroft and the other officers in the Patent Office?"

Yes.

1976. But Mr. Woodcroft was one of the parties accused, as I understand; Mr. Edmunds accused Mr. Woodcroft and Mr. Woodcroft accused Mr. Edmunds?

Yes.

1977. Therefore they were two hostile parties, were they not?

Yes; they were so; but not as to any of the matters to which our Second Report relates. Perhaps the Committee will allow me to explain this point. When we followed up the inquiry at the close of the long vacation, we then began a special inquiry into the accounts and money matters with relation to the office, which had been solely under the direction of Mr. Edmunds and Mr. Ruscoe. That had no reference whatever to the conduct of the officers in managing the general business of the office, for their conduct in those respects had nothing whatever to do with the accounts.

1978. Did you not, in conducting this judicial inquiry, feel some scruple as to receiving the evidence of Mr. Woodcroft who was the open enemy and opponent of Mr. Edmunds?

We did not rely upon Mr. Woodcroft with relation to any one fact stated in our Second Report. He was not in a position to give us any information. He was at the head then of the office of the Commissioners of Patents, and, except with his assistance, we could have got nothing done to assist us as we did by the clerks and writers in the office, and we meant merely to acknowledge this in that Report. Mr. Woodcroft certainly did everything he could in order to facilitate our inquiries.

1979. From the very first was not it a paper put into your hands by Mr. Woodcroft which led you to make the inquiry into the financial matters connected with Mr. Edmunds?

Certainly not. I am quite ready to state to your Lordships what did lead to it.

1980. What did lead to it?

When we were proceeding with our inquiry,—I think it was during the second and third sittings more particularly,—we learnt with surprize the conduct of Mr. Edmunds and Mr. Ruscoe in taking discounts. There is a great deal of misapprehension about taking discounts. It is evident that it would not be at all improper if they were taken by such a person as a stationer, who provides his own premises, his own paper, his own parchment, and his own capital, to carry on the business. It is in such cases that discounts are allowed by the Stamp Office, and for persons of that sort. But it was a very different thing when we found that Mr. Edmunds and Mr. Ruscoe were obtaining discounts by the use of the public money, and obtaining discounts upon stamps when there was no need for them to advance the money to pay for them, because they had the money to buy the stamps paid into their hands before they had to get the stamps at all. I believe the course of proceeding at the Patent Office, without any exception, except the small prints of the specifications, was, that the money which was afterwards to be converted into a stamp was paid into the Patent Office in the shape of fees in time to enable the officers there to send that money to the Stamp Office to get the stamp. If an officer takes a discount under those circumstance he gets it by unfair means, in my humble judgment.

1981. It was the question of the discounts then that led to the inquiry into the accounts?

Yes; it struck my mind that a person who would attempt to get a discount in that way could not be acting very honestly, and that he would take other money if he had the opportunity. We found out that the 500*l.* was taken from the public money, and used for the purchase of the stamps, and we thought that that was a very dishonest and improper use of the public money. We thereupon insisted upon having Mr. Edmunds' pass books, and then the whole mischief came out.

1982. Earl *Graham.*] According to your account, it was not necessary for Mr. Edmunds to have taken or advanced the 500*l.* at all?

Certainly not; it was a mere pretence. The stamps are now obtained in the Patent Office without any such advance, and the whole of the discount is now saved to the public.

1983. Viscount *Hutchinson.*] When you got the pass book you found that it related to an account at Messrs. Coutts' extending over about 30 years, did you not?

Yes.

Mr. W. M. Hindmarch, Q.C.

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1984. I wish to call your attention to the shorthand writer's notes of the proceedings before you on Friday the 2d of July. On that day you appear to have called upon Mr. Edmunds and Mr. Ruscoe for a complete explanation of the entries in this pass book, and Mr. Ruscoe answers,—"You do not want all these inquiries answered by "Monday? Mr. *Hindmarch.* Yes; you must do what you can.—Mr. *Edmunds.* To "go through accounts of this description must take some days. I have been here all "to-day, and shall be here all Monday, and I must get an accountant to assist me. "Mr. *Hindmarch.* You can go through this book by Monday." Afterwards Mr. Ruscoe says,—"It is not to be expected that it can be done by 12 o'clock on Monday morning. "—Mr. *Edmunds.* No; it is impossible. It is necessary that I should go through the whole "of these accounts, from end to end, for years and years back, and I must have the assis- "tance of an accountant. Mr. *Hindmarch.* But you told us that the business of this office "was conducted in such a way that we were led to believe that we could with facility go "through all these accounts, and I certainly thought there would be no difficulty "whatever in understanding them.—Mr. *Edmunds.* Yes; but I must have the "cheques. Mr. *Greenwood.* We have had it both from Mr. Ruscoe and you that "that was a public book. There is an immense quantity of items drawn out of that to "your private account, which want explanation. No length of time can relieve you "from that?—Mr. *Ruscoe.* It arises in consequence of Mr. Edmunds' private pass "book. The accounts here are as correct as possible. Mr. *Hindmarch.* We are "speaking generally. We have a public pass book relating to the business of this "office, and surely it is a thing which ought to speak for itself." The question I wish to ask you upon that is, whether you do not think that that was a reasonable request on the part of Mr. Edmunds, considering that these accounts extended over a period of thirty years?

I think, if my memory serves me rightly, in one of the observations I made there "Yes" is put down instead of "No." But your Lordships will bear in mind that that conversation had reference only to the pass book, the entries in which were really not very numerous, and every one of them, as Mr. Edmunds stated, related to the business of the office. And moreover your Lordship will bear this in mind; it came out during the inquiry that Mr. Edmunds had had sent to him by Mr. Ruscoe an account of the fees for every quarter of a year from the year 1833 down to the time of our inquiry, and he could, by looking through the whole of those accounts (and he admitted that he had them), which he might have done in the course of an hour or two at the most, have ascertained whether the entries in that book were correct or not.

1984*a*. Are you not aware that in the Patent Office Account were lodged not only the fees payable to the Consolidated Fund, but the fees payable to the Suitors' Fund of the Court of Chancery, and the fees payable to the Clerk of the Hanaper, and several other fees and monies quite distinct and different from the monies for which Mr. Edmunds was to account every quarter to the Consolidated Fund?

That was during a very short period; in the accounts for the first three years at most. After that the only money brought into that account was the Exchequer money and the Fee Fund. In order to enable me to speak positively to that I applied for the books of the late Mr. Ruscoe, the father of the Mr. Ruscoe in the Patent Office, who seems to have kept the cash accounts of the office, and I got all his books, and compared the entries in those books with the various entries in this pass book, and from that I discovered that almost all the entries which appear in this pass book relate to monies which came direct from Mr. Ruscoe. I have verified every one of them. It took me about a week or ten days to do it, but I saw the importance of doing it, and I went through the whole of them.

1985. You say that it is only true of the earlier part of this pass book that the monies entered in it were any other than the monies payable to the Consolidated Fund. Have you a copy of the pass book in your hand?

I have, with my own notes of the inquiry which I made.

1986. Calling your attention to the year 1845, you see on the debtor's side of the pass book an entry on the 16th of April 1845, "To account, J. G. Seton, 1,173*l.* 3*s.* 10*d.*" Was not Mr. Seton the Deputy Clerk of the Hanaper?

He was.

1987. Must not, therefore, that payment have been made to him on account of the Hanaper fees?

It certainly was. That, I believe, was the last entry of that kind.

1988. There-

1988. Therefore you must admit that up to the year 1845, which was twelve years from the commencement of the account, there were fees paid into this Patent Office Account which were not applicable to the Consolidated Fund? *Mr. W. M. Hindmarch, Q.C.* 24th Mar. 1865.

Yes, but those payments are very few in number, and such as any man can go through and ascertain in an hour.

1989. At all events it is not quite strictly true to say that they were confined to the first two or three years?

No; I should say the first few years. But my answer had reference to this, that during the first two or three years there were some small sums coming in to the acount in respect of Mr. Edmunds' prior office of Purse Bearer to the Lord Chancellor, and the office of Clerk of the Crown, there were, besides that, some small sums which I could not very clearly discriminate and distinguish from the others; and therefore it was that I mentioned the first two or three years. But after that those payments ceased, and there was nothing but the Hanaper Account up to 1844, in addition to the Consolidated Fund and the Suitors' Fund.

1990. Then you are still of opinion that it was a reasonable thing on your part, in the course of the inquiry on the 2d of July, to call upon Mr. Edmunds to give you a full explanation of the entries in this pass book on the following Monday, the 4th of July?

Yes, as much as he could; but he was told at the same time, "We will receive any "number of accounts or any amount of explanation you will give us at any time." Your Lordships must remember that he had put us off from day to day, saying that he would produce accounts, never doing it, and we were continually complaining, "You said you would bring us those accounts, or those affidavits, or those books, and "you do not do it; why do you not do it?"

1991. Do you recollect that you closed the first part of your inquiry on the 5th of July?

Yes.

1992. And then you proceeded to make your Report, in which you distinctly charged Mr. Edmunds with fraud, based upon an examination of this pass book, Mr. Edmunds having told you that he required time to furnish you with accounts with the assistance of an accountant?

No. If your Lordship will pardon me, that is not so. Our Report was not founded upon anything of the sort. On the Friday, the last day but one, I think it was, of our sittings, when we found out that there were sums in the pass book which clearly had never been accounted for, we called upon Mr. Edmunds to go through them. I remember afterwards writing out an account of them myself, and handing it over to Mr. Edmunds, saying, "Now, Mr. Edmunds, can you say that any part of any of these sums has "ever been paid into the Exchequer by you." He said, "I cannot." At the end of the day at which we discovered that Mr. Edmunds had withheld these sums of money from the Exchequer he expressed his great sorrow that he had committed such an act, and requested us to give him a private meeting, in order that the matter should not go before the public, and we gave him that private meeting, heard his statement, which amounted to anything but a justification; and at that or a subsequent meeting he said, "I have no reasonable explanation to give."

1993. We have it in evidence that that you directed, Mr. Greenwood joining you in giving the direction, Mr. Pemberton Gipps to make out from the books of the Patent Office an account of all fees received by Mr. Edmunds from the commencement of his holding the office in 1833 down to 1864?

Yes.

1994. That account has been printed, and has been submitted to the Committee. It appeared from the statement of Mr. Pemberton Gipps that in some of the earlier years to which that account referred the sums which Mr. Edmunds had charged himself with, and absolutely paid to the Exchequer, were greater in amount than the sums which by that account were found to be due from him?

Yes.

1995. And that in preparing this Account A, which I hold in my hand, you yourself directed Mr. Pemberton Gipps that, whenever Mr. Edmunds had charged himself with a greater sum than Mr. Gipps had found to be due from him, the greater sum was to be inserted in the account, and not the smaller sum which Mr. Gipps had ascertained?

That is the case in one account; that which we have called Account A.

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1996. Do you think that a just thing?

I think I can convince your Lordship that that was the only course we could adopt, and I will tell you why. Upon examining the books (which we were compelled to do in the absence of Mr. Edmunds, whom we requested to come, but who refused, making some excuse) we had the greatest difficulty in ascertaining the amount of fees received from time to time. The books, so far as they went, professed to show quarterly accounts of the fees received, up to the time of the passing of the Patent Law Amendment Act. At the end of every quarter an account of the amount of the fees was taken by Mr. Ruscoe. It was stated by Mr. Ruscoe and Mr. Edmunds, in our presence, both being present at the time, that that was the course of practice from the very beginning of Mr. Edmunds' appointment, in August 1833, down to the time of the Patent Law Amendment Act being passed. At the time when we commenced our inquiry, we tried to get the fee books for the whole period, the fee books being books in which the fees are entered in very nearly the same way as you find the entries made in that small blue book. But when we came to compare the books we found that there was no sort of comparison between them. They did not accord at all. We therefore wanted to know from Mr. Edmunds, if he would have come and told it to us, why it was that those books differed from each other. There was a variance in the amount, and we wanted to know how it arose. We could not get that information from Mr. Edmunds, and we applied to Mr. Ruscoe, and Mr. Ruscoe confessed that sums of money had been kept back from time to time. We looked further into the accounts, and we found that really the entries in the books had been wilfully falsified; that in some cases, entries, after having been made, had been scratched out. The right sum had been put down originally, and after the erasure a smaller one had been entered. In some cases there were wrong additions. In some cases sums had been carried forward wrongly. And this had been evidently done with an intention, because those things occurred so frequently. We had therefore no course left open to us but to proceed and make an original account from the docket book.

1997. Earl of *Malmesbury.*] Were those mistakes always one way?

Always. There was never any mistake the other way by any chance. Then we set to work to make out the accounts as best we could. We frequently found at the end of a long inquiry, when we made up an account, that it was all wrong. This was the difficulty. Every patent is entered in what is called the docket book, and a short description is given of it. Mr. Edmunds and Mr. Ruscoe had previously told us, "If you go to the "docket books that will enable you to prepare a true and complete account." We tried to do so, and then we found that it was not all right; we found that those books did not enable us to make up a true account, for this reason, the fees vary according to the number of skins of which the document is composed. A patent for an invention is always made on one skin, and therefore the fee for that was always a constant sum; but almost all other patents varied; sometimes they would be three quarters of a skin, sometimes a whole skin, and sometimes as much as eleven or twelve skins. But the docket books did not state the number of skins very frequently. The consequence was that we had the greatest difficulty in making up the account. And that induced us to make a very careful search to see if we could not find another fee book, which it was said had been destroyed. Fortunately we did find it; it was a very old fee book. It then turned out that we were able to discover the time when they first began to make the deductions of 12*s.* 10*d.* for each skin of parchment, which I daresay you have seen mentioned in the papers. There was the epoch at which they commenced that practice clearly and distinctly marked. When we got that fee book it enabled us to supply a great many deficiencies; but we found that, notwithstanding all that, we could not be certain that we had the full amount of all the fees. We were quite sure of one thing, that Mr. Edmunds or Mr. Ruscoe his deputy, received all the fees which we put down in the general account. That we were perfectly certain of, because the records in the office made that evident.

1998. Viscount *Hutchinson.*] Do you mean in Account A.?

Yes. We were perfectly certain of that, for this reason: We had the table of fees which has been in use in that office for a long time, and all you have to do is to apply that table of fees to each document which you see entered in the docket book. If you know the number of skins the document contains, you can ascertain in a minute the precise amount of fees payable upon it. That fee book, from 1839 down to 1844 or 1845, I forget which, supplied us certainly with a great deal of information which we did not get before then. There was some period,—I think it was between 1833 and 1839,—when we had no such assistance, and therefore during that period we could not ascertain from

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from the books in the office what was the precise amount of fees paid. But Mr. Edmunds had the means of ascertaining it, because he had had the accounts sent to him quarterly by Mr. Ruscoe, for he had admitted to us that he had all of them in his possession. If he had pleased to have given us his assistance when we called for it, he could have come and shown the amount of fees paid every quarter of a year from the very beginning, or at all events from the third quarter which he sent into the Exchequer.

1999. Are you not aware that Mr. Edmunds has stated in his evidence that he has lost all those statements of account before the year 1839?

I can only tell you what he said to us. I can inform the Committee of a fact, in a minute, which I think will convince them that Mr. Edmunds has a means of making up an account which we have not. I will tell you how it is you come to have Account B. before you. Finding the difficulty we were under in getting an accurate account, we applied to the Treasury, and desired that they would call upon Mr. Edmunds to send in an account of all the fees which he had received, which he did from 1834 down to a recent period, I think 1864.

2000. Without going into these details, I wish to have an explanation of the direction that you gave to Mr. Pemberton Gipps with respect to some of the years included in Account A. When Mr. Gipps had ascertained that a certain sum was due from Mr. Edmunds, and that Mr. Edmunds had paid a larger sum, you directed Mr. Edmunds to be charged in the account with the larger sum, and not with the smaller sum ascertained by Mr. Pemberton Gipps. Why was that done?

Your Lordship's question implies that the direction which was given to Mr. Gipps had reference to what Mr. Edmunds paid. That is not accurate. It related to what Mr. Edmunds, by his return to the Treasury, admitted he had received during those years. He admitted that he had received certain sums, and therefore if Mr. Edmunds, having far better means of knowledge than we had, when he is called upon to send in an account, says in one year, for example, that he had received 1,600*l.*, although we cannot make that up by the books, because the books are imperfect, surely it was the right course to take, to say that the sum he was to be charged with was that which he admitted that he had received. I do not know any other course that we could have pursued.

2001. Was not it possible that he might have made an error, and charged himself too much?

We only did this in the account which we were rendering to the Commissioners of Patents. When we sent in the accounts to the Treasury, we sent in the detailed account, which has been printed, and the Treasury might have given Mr. Edmunds every opportunity that they thought fit to explain the matter, and say, "Those sums are "excessive. I am not liable for so much."

The witness is directed to withdraw.

Mr. JOHN GREENWOOD, Q.C., is called in, and further examined as follows:

Mr. J. Greenwood, Q.C.

2002. *Chairman.*] You heard the statement which I made to Mr. Hindmarch at the beginning of his evidence, with regard to the evidence which I quoted as having been given by the Lord Chancellor and by the Master of the Rolls; have you anything to say upon that?

There was one matter that I wished your Lordships' permission to explain, or rather to answer. Mr. Edmunds I believe has stated with respect to the numerous items which upon the face of the pass book appeared as being transferred to his private account, that he was not called upon by us to explain them; and I wanted to show a portion of what is in truth the evidence in the case.

2003. Earl of *Derby.*] There may have been some cases in which he stated that no explanation was asked of him; but Mr. Edmunds' complaint in general was, that the pass book was shown to him, a page being opened at random, and that he was generally obliged to say that he could not give an explanation of a particular item until he had been through the whole of the accounts?

Your Lordship's recollection is no doubt far better than mine; but I think he has stated with respect to these particular entries, "To your private account," so much, and again, "To your private account," so much, that no explanation was asked of him. Now I am extremely anxious to show my original note book, where I have made a note of what I wished to be explained, and I will refer immediately to the shorthand note of the same passage. This note book of mine (*producing a book*) shows the detailed items

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in the pass book to which we called his attention, and I wrote here, "To be explained hereafter," "To be explained," and again here "To be explained" (*pointing to various entries in the note book*). We took the items in detail throughout. Here is one for example: 12th June 1854. To your account 246*l.* 14*s.* Mr. *Ruscoe.* I know nothing of that. Mr. *Edmunds.* I cannot recollect this." Then I have have put "Explain." Those items I pointed out to him from time to time. There are several other items; but I confine myself at present only to those which are apparently transfers to the private account. Then I have this item: "November 8. To your account 375*l.* Mr. *Edmunds.* I cannot explain this." I have put down again "Explain." "June 7th. To your account 225*l.* Mr. *Edmunds.* I cannot now explain this." "9th of June 1857. To your account 164*l.* Mr. *Ruscoe.* I cannot explain this." "August 7th, 1857. To your account 470*l.* I cannot account for that." That must refer to Mr. Edmunds. It is the only case in which I have made that memorandum. There are several others which I have put down marked "To be explained," and with regard to which, on the following day, I asked him if he had an explanation? And from that time to this we have not had an explanation. These are my original memoranda, made at the time, which I have read.

2004. Did not Mr. Edmunds on all these occasions say, "I cannot explain that without going through all the accounts"?

Yes; he promised constantly to furnish us with an account.

2005. Upon the 9th day of your sitting did he not ask you to allow him ten days to go through the accounts with an accountant, and was not it said to him, I think by Mr. Hindmarch, that you had not time; that you had been a long while about the inquiry already, and that he could furnish those accounts, if he chose, in two days; and did not he answer that he should be obliged to go through the whole of the accounts with an accountant, which would take him at least ten days?

I recollect, perfectly, calling his attention to these very sums, and saying, that if they were transferred to his private account we did not wish to force him to produce his private account book, but if he would refer to it himself it would in all probability enable him to say to what purpose they had been applied. I wish now to call your Lordships' attention to page 87 of the shorthand writer's notes, where I call attention to a sum of money which had been transferred from his private account to his public account. That was the reverse of the case I have been speaking of. It was a sum of 1,450*l.*, I think, in February 1863. Then I say, "Can you tell us what it is put in the public account "for?—Mr. *Edmunds.* It was to make up the balances; to enable me to pay over the "balances. Mr. *Greenwood.* You must explain that, if you please, 'To make up the "balances.' Was it paid by cheque?—Mr. *Edmunds.* Yes. Mr. *Greenwood.* Drawn "by yourself?—Mr. *Edmunds.* Yes. Mr. *Greenwood.* On what account?—Mr. *Edmunds.* "On another account. Mr. *Greenwood.* Where?—Mr. *Edmunds.* At Coutts'. "Mr. *Greenwood.* Private or public?—Mr. *Edmunds.* Private account. Mr. *Green-* "*wood.* Why did you put it there?" The shorthand writer's note is, ("*No answer.*" *After a pause.*) "Mr. *Greenwood.* I want you to explain why 1,450*l.* of your own "money should be paid into the credit of the Patent Office Account?—Mr. *Edmunds.* "I really cannot explain without going through the whole of the accounts. Mr. *Green-* "*wood.* It is a very short time ago, and it is a large sum of money?—Mr. *Edmunds.* "Yes. Mr. *Greenwood.* You say you did it to complete the balances? Mr *Hind-* "*march.* No; to enable him to pay over the balances. But there has been no subse- "quent payment of any consequence. The sums of 47*l.* 13*s.* 2*d.* and 30*l.* 14*s.* 6*d.* are "the only two sums paid since."

2006. *Chairman.*] This transaction occurred the year before Mr. Edmunds was giving you that evidence, I think?

Yes, in 1863.

2007. Would there be any difficulty in a gentleman comparing his private book with the pass book of this separate account; would it require any time for him to do so?

No. I should have thought his private book would have given him a hint of what the sum was. Both sides of the account were described to us as public money; it was public money paid in, and public money paid out, except a few things that had got in by inadvertence, which inadvertence was always corrected, when discovered; that was the statement made to us. I treated it, therefore, as an account which essentially represented public money on both sides. Then I said, "Mr. Edmunds, if you please, "just try to explain the meaning of that; explain why your own money is put there, "and nothing done with it." I left it with that general statement. Then further in,

in

in page 92, is the shorthand writer's record of what I have read from my note book, calling his attention to a great variety of distinct items, and amongst others those against which I have marked "Explain." I called his attention to those particular things, and said to him from time to time, "Then, Mr. Edmunds, shall I, if you please, enter this as a thing to be explained hereafter?" That was done seriatim.

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2008. Earl of *Derby.*] On what day was that?

The ninth day; the 2d of July 1864. From that time to this we have not been furnished with an account of those sums, they being apparently sums withdrawn from the public account to the private account. We made our Preliminary Report because we thought this was a thing that brooked no delay; but in it we did not go into this point at all; it was confined entirely to the sums that Mr. Edmunds admitted that he had received for the Exchequer, and not paid since 1852. And up to the last moment we were ready to receive any explanation of this sum of upwards of 6,000*l.* which had been apparently withdrawn from the public account to the private account, besides a great variety of sums that we might have supposed had gone to his private accouut; for example, there was one "To bearer;" that might have gone anywhere. There were three "To Mr. Leman;" there was one "To Bouveries," which might have been for anything. Upon this point allow me to call your Lordships' attention, in justice to myself, to two letters. Mr. Edmunds has made it a complaint in one of the written documents before your Lordships, that I, very improperly, when I knew that Mr. Leman was acting as his solicitor, asked him for an explanation of those three sums of 300*l.*, 200*l.*, and 100*l.*, which in the pass book are represented as having been paid out of the public funds to Mr. Leman. I wish, in order to clear myself from any impropriety, that your Lordships would allow me to put in the letter that I wrote to Mr. Leman, and the answer that Mr. Leman sent me upon that subject.

The same is handed in, and read as follows:

"Sir, Treasury, 11 October 1864.

By Mr. Edmunds' request, I send you herewith a copy of the fee book (from 1857 to 1863, inclusive).

Have the goodness to return it to me when you have inspected it, and made such extracts, or copy, as you desire. Will you forgive me for asking a question that arises on the face of Mr. Edmunds' account at Coutts's, headed 'Patent Office Account?'

On the 31st January 1840 there is an entry—

To account of James Leman, Esq.	-	£300
25 June 1841 Do.	-	£200
16 December 1841. To J. Leman, Esq.	-	£100

If these entries refer to yourself, and you can remember (notwithstanding the distance of the date) for what purpose and on what account these sums were transferred to you, I should be much obliged for the information.

If you think it is a question which ought not to be asked (except of Mr. Edmunds himself), pray forgive me for troubling you.

I am, &c.

James Leman, Esq. JOHN GREENWOOD."

I gave him every opportunity, I thought, of saying that he had rather not answer the question. This is the answer Mr. Leman made to me on the following day.

The same is handed in, and read as follows:

"51, Lincoln's Inn Fields, London, W.C.,
October 12th, 1864.

Sir,

I have to acknowledge the receipt of your letter of yesterday's date, referring to certain monies paid by Mr. L. Edmunds to me.

On looking at my banker's books I find that the monies mentioned on the other side were transferred to my account at Messrs. Coutts' and Co. by the order of Mr. Edmunds, in repayment of loans I had previously made him; and these are, I presume, the sums you refer to in your letter, but as they seem to have been paid by transfer from one account

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to the other, and not by cheques, I cannot, of course, say from what account Mr. Edmunds drew the money.

I am, &c.
JAMES LEMAN.

P.S. Acting, as I am, as Mr. Edmunds' solicitor, I thought it right to show your letter to him.

1840.		
Jan. 31.	By L. Edmunds, Esq. - -	£300.
1841.		
June 25.	By L. Edmunds, Esq. - -	£200.
1842.	acct.	
Jan. 10.	By L. Edmunds, Esq. - -	£100.

John Greenwood, Esq., Q.C., 16th December."

I am in your Lordships' hands as to whether there is any impropriety in that. I was looking at a public book, and I asked a gentleman, who seemed to have received a portion of the public money, whether, if he had no objection, he could tell me upon what public account he had received it. While I am speaking of the note book I have mentioned, perhaps I may say, as your Lordships have referred a good deal to the evidence, that I have been instructed officially at the Treasury to furnish documents for the returns for the House of Commons of certain reports, and of all the evidence. I have had instructions from the Secretary of the Treasury, in the name of the Lords of the Treasury, to furnish the documents. In order to comply with those instructions, among other things, I am compelled to give a transcript of my own notes of the first three days, because that is the only record there is. I have a copy of it here, which may be laid upon your Lordships' Table, if you desire it. I should like to mention one other point. I was asked by one of your Lordships whether we had not taken the evidence against Mr. Edmunds, relating, for example, to his own attendances or non-attendances, whichever they may be called, principally from those who may be described as his foes in the inquiry. I charged my memory at the time, and said that we proceeded also upon what he had stated himself. I have here in my note book, as exactly as I could take it down, his own account of his attendances. I should have been very glad, if I had known that I was going to be asked that question, to have called your attention to that note book at the time. However, I think my memory, as far as I can remember, was correct about it. I think I am correct in saying that I was asked whether I had not principally taken the evidence from his enemies. I recollect saying that I could charge my memory with Mr. Edmunds himself having spoken of those constructive attendances when he was on the moors or at the House of Lords. I have the exact account of it here, and therefore, with your Lordships' permission, I will put in a copy of my note book.

The same is handed in. (*Vide Appendix E., page* 391.)

2009. Lord *Chelmsford.*] I suppose those are the notes which you took during the three first days?

Yes.

2010. Before there was a shorthand writer?

Yes.

2011. *Chairman.*] Did you consider that there was any obligation upon you to present a Preliminary Report as soon as you had ascertained some of those important facts with regard to the defalcations in the public money?

Yes. I thought it was a thing which ought not to be delayed one moment; it was not a disputed matter in any way. I have heard it also stated that we employed for the making up of the accounts Mr. Gipps and Mr. Woodcroft. I am not aware that Mr. Woodcroft has in any respect interfered; certainly not with my knowledge or under my direction. I wish to say a word upon one question which was just now asked of Mr. Hindmarch, and upon the expressions of the Master of the Rolls and the Lord Chancellor, which were quoted. I understood from what I just now heard, that the Lord Chancellor thought that some part of our Report was rather argumentative than a narrative of mere facts. With great submission, my observation upon that would be that we were not merely to find facts; we were to draw conclusions. And in this general letter which lies before me, which put us in motion, we were told from time to time to report our opinion of such and such things. One general observation I should like to make, because

Mr. J. Greenwood, Q.C.
24th Mar. 1863.

because it is stated that there were expressions in that Report which indicated what is called "animus." There may be epithets, and so on, in it; but perhaps I might call the attention of your Lordships to this, that when we drew those Reports we had not the slightest idea of the immensity and publicity of this inquiry. The Reports really were intended only for the Commissioners of the Patents, and through them, for Mr. Edmunds. No doubt, if we had expected that there was to be this inquiry, there are a great many expressions that we might have altered. The only thing that at this moment occurs to my memory is, that we made use of the expression "disgraceful and dishonest."

2012. Lord *Chelmsford.*] And a few more strong epithets; but you must have known that this Report would lead probably to the removal of Mr. Edmunds from his office?

Yes, certainly. I am speaking of it perhaps rather as a matter of critical examination of our expressions, because I really feel, as certain as I do of my life, that that was a very disgraceful and dishonest transaction. The only question is whether, as a matter of composition, I was so to call it? May I add this, that when I began the several inquiries at the Patent Office I was positively unaware of the existence of Mr. Edmunds, and I only recognized the name afterwards, and remembered that it was affixed to my own patent. I did not know that there was such a person on earth. I had not the slighest personal feeling against him from beginning to end.

2013. Duke of *Somerset.*] I understand you to say that after this inquiry, which you conducted both during the summer and also again in the winter, you are still of the impression that Mr. Edmunds' conduct was dishonest.

Yes; indeed I thought he had himself admitted it. There is one point in which I wish to correct what I stated the other day. I think I stated that the minute which has been referred to a good deal was made by Sir Alexander Spearman when he was Assistant Secretary to the Treasury; it was made by him, and is in his handwriting; but I am told that it was made when he was Auditor of the Civil List, and that it was the year before he was Assistant Secretary to the Treasury,

The witness is directed to withdraw.

Ordered, That the Committee be adjourned till Monday next, One o'clock.

Die Lunæ, 27° Martii 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

The Right Honourable WILLIAM EWART GLADSTONE, M.P., Chancellor of the Exchequer, Mr. GEORGE ALEXANDER HAMILTON, and Mr. GEORGE ARBUTHNOT are called in; and having been sworn, are examined as follows:

The Right Hon W. E. Gladstone. Mr. G. A. Hamilton Mr. G. Arbuthnot.

27th Mar 1865

2014. *Chairman.*] (*To the Chancellor of the Exchequer.*) You are aware of the objects of the inquiry of this Committee?

Yes.

2015. The Committee would be glad to hear from you a statement of what share the Treasury has taken with regard to the accounts of the Patent Office, and the mode of auditing them since the year 1833. Perhaps it might be convenient to divide the periods and I therefore would first ask you what were the transactions in the Treasury respecting Mr. Leonard Edmunds from the passing of the two Acts, the Act of 1832 and the Act of 1833, to the passing of the Act of 1852?

I should wish to make a division between the transactions of Mr. Edmunds as Clerk of the Patents and the transactions of Mr. Edmunds as Clerk of the Commissioners of Patents, which would be effected by the division of time. As Clerk of the Commissioners of Patents Mr. Edmunds had transactions from time to time with the Treasury, which I think would be best described by Mr. Hamilton or Mr. Arbuthnot. As regards his transactions in his office of Clerk of the Patents, the evidence that now remains is documentary evidence, which can be laid before the Committee, as far as it goes, and your Lordships will have to form your own judgment upon it. Sir Alexander Spearman, in whose handwriting the principal minute made upon the subject in 1833 is, is still happily alive and in the public service, but he has no recollection of this transaction. I mentioned the date 1833 because that was the commencement of Mr. Edmunds' tenure of the office, but I do not think anything took place in 1833 between Mr. Edmunds and the Treasury. On the 26th of March 1834 Mr. Edmunds, as Clerk of the Patents, applied to the Treasury for the payment of his salary; that was not in consequence of any particular power conferred by the Act, but because the salary was made a charge upon the Consolidated Fund, and therefore it was necessary for him to have the authority of the Treasury for drawing it. I have the letter here.

The same is handed in, and is as follows:

"121, Regent Street,
"My Lords, 26th March 1834.

"I have the honour to request that your Lordships will direct a Warrant to be issued for the payment of my salary as Clerk of the Letters Patent. I was appointed to the office by the King on the 29th August last, under the Act 3 & 4 Wm. 4. c. 84. sec. 3.

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" The salary appointed by the Act is 400*l.* per annum, payable quarterly. On the 5th of April next a half year's salary and a proportion of salary from the 29th August to the 5th October will be due to me.

" I beg leave to enclose my appointment, and I shall feel obliged if your Lordships will direct it to be returned to me.

" I have, &c.

" The Lords Commissioners (Signed) LEONARD EDMUNDS.
" of the Treasury."

There is no Minute made upon that paper until the 9th of May 1834, but in the meantime there comes from Mr. Leonard Edmunds an account of the fees received by him and paid into the Exchequer up to the 31st of March. He accompanies that account with this letter.

The same is handed in, and is as follows:

" 121, Regent Street,
" My Lords, 22d April 1834.

" I beg leave to enclose the account of fees received by me in the Patent Office, and paid over as directed by the Act to the Consolidated Fund, from the 20th of August to the 31st day of December 1833, amounting to 467*l.*

" I beg leave also to enclose the account for the quarter ending the 31st March last, amounting to 448*l.*; which sum I have this morning paid over to the Exchequer.

" I have, &c.

" To the Lords Commissioners of the Treasury. LEONARD EDMUNDS."

He encloses those accounts accordingly (which by-the-by are rather statements of the total amount than accounts), together with the affidavit sworn before a Master in Chancery. I have here the two affidavits sworn for the two quarters in question.

The same are handed in, and are as follow:

" In re 3d & 4th Will. 4th, c. 84.

" Amount of fees received in the Great Seal Patent Office on account of the Clerk of the Letters Patent and his Deputy, from the 20th day of August to the 31st day of December 1833, both days inclusive :—

" Amounts to 467*l.* 11*s.* 4*d.*

" Leonard Edmunds, Clerk of the Letters Patent, maketh oath, and saith, That the above sum of four hundred and sixty-seven pounds eleven shillings and fourpence is the amount of fees received in the Great Seal Patent Office on account of the Clerk of the Letters Patent and his Deputy, from the twentieth day of August to the thirty-first day of December one thousand eight hundred and thirty-three, both days inclusive, and which are directed by the above Act of Parliament to be paid into the receipt of His Majesty's Exchequer, and be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

(Signed) " LEONARD EDMUNDS. { Sworn at the Public Office, Southampton Buildings in the county Middlesex, this 25th day of January 1834.

" Before me,
(Signed) " W. BROUGHAM."

" In re 3d & 4th Will. 4th c. 84.

" Amount of fees received in the Great Seal Patent Office on account account of the Clerk of the Letters Patent and his Deputy for the quarter ending 31st March 1834	£449	5	0
" Paid for affidavit and entry - - - - -	2*s.* 6*d.*		
,, for tally - - - - -	10*s.* 0*d.*		
" The like on last payment not then deducted - - -	12*s.* 6*d.*		
	1	5	0
	£448	0	0."

Leonard

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Mr. G. Arbuthnot.
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" Leonard Edmunds, Clerk of the Letters Patent, maketh oath and saith, that the above sum of four hundred and forty-eight pounds is the amount of fees received in the Great Seal Patent Office on account of the Clerk of the Letters Patent and his Deputy from the first day of January to the thirty-first day of March one thousand eight hundred and thirty-four, both days inclusive, and which are directed by the above Act of Parliament to be paid into the receipt of His Majesty's Exchequer, and be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

(Signed) " Leonard Edmunds. { Sworn at the Public Office, Southampton Buildings in the county of Middlesex, this 14th day of April 1834.
" Before me,
(Signed) " G. B. Roupell."

Thereupon the following Minute is made in Sir Alexander Spearman's handwriting :—

" Let the necessary warrant be prepared for charging the said salary of 400*l.* per annum upon the Consolidated Fund, under the provisions of the 8th section of the Act, 3 and 4 William 4. chapter 84.; the said salary to commence and take effect on 29th August 1833, and to be paid and payable quarterly on the usual days of payment. Acquaint Mr. Edmunds, returning to him the Royal Sign Manual appointing him to the office. State to him at the same time that the affidavit prescribed for all the officers of the Courts of Law, by whom accounts of the receipt of fees are rendered is to the following effect; viz., I *A.B.*, do swear that to the best of my knowledge and belief the above is a true account of the amount of all such fees and emoluments as have become due in respect of the duties of my office of between and both days inclusive; and that no fees or emoluments of any kind whatsoever have been received by me or by any other person employed in my office during the said period, and that my Lords request "—

It is not very easy to see whether the word is " require " or " request."

2016. Lord *Chelmsford.*] We have before us the letter in which " require " seems to be the word used ?

This is rather a material word. I think it is " request " in the original minute; but it is difficult to say, for if it is " require " the " i " has no dot, and if it is " request " the " t " has no cross. I think it is " request," and therefore I will read it so—" and that " my Lords request his affidavit may be made in the same form with respect to the " accounts hereafter to be rendered by him, and that he will also in future transmit the " Exchequer receipt as to the amount. Let a note of the amount of these accounts be " furnished to the Chief Clerk of the Revenue Room, that he may take care the same " are duly brought to account."

Mr. Arbuthnot.—Perhaps your Lordships would permit me to observe, that although the letter may say " require," the Minute would show the intention of the Treasury; it might have been a clerical error in putting " require " instead of " request."

2017. Lord *Stanley of Alderley.*] (*To the Chancellor of the Exchequer.*) Is there any difference in Treasury language between " request " and " require " ?

I think there would be a considerable difference in this particular case.

2018. Earl of *Clarendon.*] (*To Mr. Arbuthnot.*) You think it was not mandatory ?

Mr. Arbuthnot.—I think it was not mandatory.

The Chancellor of the Exchequer.—I was going through the matters of fact in the first instance. This is the only other document in the case relating to this time, " 2d of " August 1834, Leonard Edmunds, Clerk of the Patents. Return of fees received by " him from 1st of April to 30th of June 1834." That is a document precisely the same in form as the two others given in in the month of April, that is to say, it is not an account, but it is a statement of the total amount of the fees received, together with an affidavit sworn before a Master in Chancery.

The same is handed in, and is as follows :

" In re 3d and 4th Will. 4. c. 84.

" The fees received by the Clerk of the Letters Patent from the first day of April to the thirtieth day of June one thousand eight hundred and thirty-four, both days inclusive,

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inclusive, which are directed by the above Act of Parliament to be paid into the receipt of His Majesty's Exchequer, and be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, amount to three hundred and forty pounds nineteen shillings and eightpence.

" Leonard Edmunds, Clerk of the Letters Patent, maketh oath and saith, that to the best of his knowledge and belief the above is a true account of the amount of all such fees and emoluments as have become due in respect of the duties of his office of Clerk of the Letters Patent, between the first day of April and the thirtieth day of June one thousand eight hundred and thirty-four, both days inclusive, and that no other fees or emoluments of any kind whatsoever have been received by him or by any person employed in his office for his use or benefit during the said period.

(Signed) " Leonard Edmunds. { Sworn at the Public Office, Southampton Buildings in the county of Middlesex, the second day of August 1834.

" Before me,

(Signed) " W. Wingfield."

This document was sent in to the Treasury, and on the 5th of September the Minute made upon it is " Nil," and Mr. Arbuthnot informs me that certain numbers which are inscribed on this paper show, according to the custom of the Treasury, that the former papers were before the person who made this Minute. The affidavit is in the form prescribed by the Treasury, and the " Nil " is in the handwriting of the private secretary to Colonel Stewart, then the Assistant Secretary to the Treasury. These are matters of fact; and I attach some importance to the difference between the word " request " and the word " require," mainly because I do not believe that the Treasury had any authority or power in the matter whatever. This, as I have said before, is a subject upon which there is no evidence beyond the papers which we have and the Act of Parliament; but the Act of Parliament takes no notice whatever of the Treasury.

2019. Earl of *Derby.*] Were there no vouchers required, upon which the salary was to be paid, either by the Act of Parliament or by the practice of the Treasury?

Mr. Arbuthnot.— Mr. Edmunds sent to the Treasury his appointment under the King's Sign Manual.

The Chancellor of the Exchequer.—There would be vouchers for the salary, I have no doubt; that is perfectly regular. I did not mean to say that the Treasury had no authority with respect to the salary, but with respect to the accounts. The Treasury seem to have taken advantage of the circumstance that Mr. Edmunds applied for his salary to give him certain directions, whether at his request or not I do not know, with regard to the form of affidavit, and with regard to his sending accounts to the Treasury. I am not aware whether the Treasury at first supposed that they had any power in the matter, and whether the subsequent " Nil " was made upon the concluding paper, because they found that they had no power in the matter; I cannot say positively, but it appears to me an admissible or even probable proposition.

2020. Lord *Chelmsford.*] It appears that there was after this letter of Mr. Edmunds an affidavit made in the prescribed form in the month of August 1834?

Yes.

2021. And sworn before a Master in Chancery?

Yes; Master Wingfield.

2022. Was that affidavit transmitted to the Treasury?

That is the paper upon which the Minute " Nil " was made, and that is the latest document in the Treasury upon the subject. But the 7th section of the Act is the material section, and if your Lordships will refer to it you will find that the closing words of the section are these:—" and that such fees and emoluments shall be accounted for once in " every three months, commencing in the first instance from the date of such appointment " respectively, and shall be paid by the said officers respectively into the receipt of His " Majesty's Exchequer, and be carried to and made part of the Consolidated Fund of " the United Kingdom of Great Britain and Ireland; and the account of the party so " paying such fees shall be verified by his oath, which oath any one of the Masters in " Ordinary of the High Court of Chancery is hereby required and authorized to administer." There is no mention there whatever of the Treasury, and I apprehend that the Treasury was entirely and absolutely without power in the matter.

2023. Earl of *Derby.*] Then where would be the audit of these accounts, and what would be the check upon the clerk paying in the proper amount of fees?

I imagine

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I imagine that no audit is provided for by the Act, and that there would be no check beyond that of his oath; and even that would be liable to this observation, that it was not made by the Act the duty of any person to see that the clerk took the affidavit, unless it be said that, he being an officer of the Lord Chancellor, it was the duty of the person whose officer he was, or of the court whose officer he was, to see that he took the affidavit, which is a matter beyond me to affirm.

2024. Lord *Chelmsford.*] It appears that there were forms of affidavit regularly prepared and delivered to Mr. Edmunds quarterly, and that down to the year 1852 he used those affidavits merely to endorse upon them the sum which he was to pay over, and that he did pay over that sum regularly down to the month of August 1852. After that time, although the affidavits were prepared and delivered to him as before, it appears that he did not use them at all, and did not write down any sums as being due upon them at all, but they remained in his hands as mere waste paper. To whom would the money be paid quarterly by Mr. Edmunds after August 1834, when he made the last affidavit which has been produced?

The payment of money is distinctly ordered in the Act; it says, the monies "shall be "paid by the said officers respectively into the receipt of His Majesty's Exchequer."

2025. Earl of *Clarendon.*] I do not know whether you are aware of this circumstance, that when Mr. Edmunds first paid the money he thought, according to his reading of the Act, that he was to make the affidavit to the Exchequer, and that he did offer to swear that affidavit, and that the Exchequer would not receive it?

Yes.

2026. Lord *Chelmsford.*] When the money is spoken of as having been paid into the Exchequer, which is the department of the Exchequer into which the money would be paid?

The Exchequer is an entirely distinct and independent office, and has no connexion whatever with the Treasury, except such as rests upon law or known usage. The Exchequer is not a department of the Treasury, nor is it an office subordinate to the Treasury. There are certain fixed relations between the Exchequer and the Treasury; but beyond these the Exchequer is entirely independent and separate.

2027. (*To Mr. Arbuthnot.*) The word "Exchequer" is a mysterious word; can you help us to understand it?

I think I can explain it. According to the old usage every payment of revenue was made at the office of the Exchequer, which is termed in Acts of Parliament the receipt of the Exchequer, and was brought to account at the Exchequer; but in course of time the Bank of England became the bankers of the Exchequer, and people tendering money had to go to the Exchequer to get a receivable order from the Comptroller General for the Bank to receive it, in order that it might be carried to the proper account; but legally and nominally the money is still paid into the receipt of the Exchequer as it was before.

2028. Had then the Comptroller General any check at all upon the payment of money? Did he know what ought to be paid?

He had no check, except from the affidavit of the person tendering the money.

2029. It appears that Mr. Edmunds offered an affidavit to the Exchequer, and that they would not receive it?

He had to swear the affidavit before a Master in Chancery.

2030. Earl of *Derby.*] He said he wanted to make the affidavit before them, and they said it was no part of their business to take affidavits?

I think the Act prescribes that the oath was to be taken before a Master in Chancery.

2031. Lord *Chelmsford.*] After a certain time there was no Master in Chancery; the office was abolished. Can you give us any notion at all what sort of check there would be upon the receipts of Mr. Edmunds and the money to be paid over by him to the Exchequer?

I think it is one of the mysteries of the Court of Chancery.

2032. *Chairman.*] (*To the Chancellor of the Exchequer.*) I think I understood you to say that you thought it arose from a defect in the drawing up of the Act of Parliament?

Certainly; I think the Act is very defective indeed. It may be worth mentioning, that in this clause the Clerk of the Crown in Chancery, who is I believe a Receiver of public monies, is comprised together with the Clerk of the Patents and other officers, and the words which I have read with regard to the disposal of the monies apply to the Clerk of the Crown in Chancery just as much as to the Clerk of the Patents. But it

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appears to have been subsequently discovered, in the case of the Clerk of the Crown in Chancery, that the provisions of the Act were wholly insufficient, and the Act, I believe, of 1835, the Act of 5 & 6 Will. 4. cap. 47. s. 5., requires that officer to account for his fees to the Treasury in such form and manner as they shall think fit to direct. Therefore the defect seems to have been observed in that case.

2033. Earl of *Derby.*] That Act was passed in 1835?

Yes. I quote that circumstance in illustration of the opinion I have ventured to give, that under the Act of 1833 the Treasury is invested with no power whatever, and that the little they appear to have done I apprehend was done by them in excess of their power, and that they would have had no power whatever to enforce their directions if Mr. Edmunds did not think proper to comply with them.

2034. By the Act of 1835 I understand you to say that that power was given?

It was given with respect to another officer, the Clerk of the Crown in Chancery, but the Clerk of the Patents remained under the Act of 1833. My point was, that the fact seemed to have been brought to notice with respect to the Clerk of the Crown in Chancery, and that provisions regulating the accounting for monies received, as it would appear, were inserted in the Act of 1835 in consequence.

2035. Lord *Chelmsford.*] The practical result is that there was no check whatever upon Mr. Edmunds?

No extraneous check of any kind, as I believe.

Mr. Hamilton.—The law seems to have provided no check except the affidavit, which appears not to have been taken.

2036. Earl *Graham.*] It appears to have been nobody's business to ask for his accounts or affidavits?

I do not venture to go further than to say that it was not the business of anybody extraneous to the Court of Chancery. How it may stand in the Court of Chancery I cannot say. The Court of Chancery has other matters to look after. Certainly it was the business of nobody at the Treasury. I may add, that I have consulted others who have had a long experience in the Treasury, and that they take the same view that I do.

2037. *Chairman.*] Do you conceive that no such duty rested upon the Comptroller of the Exchequer?

I think not. My belief is that he is an officer whose duty was to receive money only, and who had nothing to do with the verification or custody of such documents.

2038. Lord *Chelmsford.*] It is true that the Clerk of the Patents is a Clerk under the Court of Chancery, but the Clerk to the Commissioners of Patents is not a Clerk of the Court of Chancery?

I have said nothing with reference to the Clerk to the Commissioners of Patents, as yet.

2039. Viscount *Hutchinson.*] Would not Mr. Edmunds be liable to a prosecution for a misdemeanor in disobeying the distinct provisions of an Act of Parliament?

That is hardly a matter, I think, within my competence to answer. I suppose he would, but I cannot say. I do not know whose duty it would be to bring such a prosecution.

2040. Lord *Chelmsford.*] The reason why I put my last question was that the payments were regularly made down to 1852?

Mr. Hamilton.—Not regularly, I think.

2041. Those payments were made by Mr. Edmunds as Clerk of the Patents, and it was at the end of 1852, the Patent Act having been passed in that year, that he was appointed Clerk to the Commissioners of Patents by the Commissioners; and it was from that time that the default began?

Yes.

2042. Earl of *Derby.*] (*To the Chancellor of the Exchequer.*) Are we to understand that from 1833 down to 1852 there was not anywhere the means of ascertaining whether the proper sum had been paid by the Clerk of the Patents into the Exchequer?

So far as my knowledge goes, there was not, unless it was in the Court of Chancery.

2043. Would that question never arise in the Audit Office? I suppose the accounts of the Clerk of the Patents are audited there like all other accounts?

No, I imagine not. I imagine that no accounts are audited at the Audit Office, except

except those which are specially sent there. There are a great many accounts which are not audited at the Audit Office.

The Right Hon. W. E. Gladstone.

Mr. Hamilton.—There was no account current of receipts and payments, and those are the accounts which it is the primary object of the Audit Office to examine. There was only an obligation upon the Clerk of the Patents to make payments into the Exchequer.

Mr. G. A. Hamilton.

Mr. G. Arbuthnot.

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2044. Lord *Taunton.*] (*To the Chancellor of the Exchequer.*) Would not it be in the power of the Court of Chancery to send those accounts to the Audit Office, and would not the Audit Office then be empowered to examine them?

I presume that the power of the Court of Chancery over Mr. Edmunds was sufficient for that, but I am not able to say; that is, as far as I am concerned, a mere assumption.

2045. Lord *Stanley of Alderley.*] What annual record was there of the payments made into the Exchequer by Mr. Leonard Edmunds, from 1835 to 1852, in the Treasury?

None whatever.

2046. *Mr. Arbuthnot.*—They would appear in the public accounts?

The Chancellor of the Exchequer.—Yes; that is to say, there would be a record of the receipts of the Exchequer; they would find their way through the Exchequer into the public accounts.

2047. Earl of *Derby.*] The receipts of the Exchequer would show so much paid in each year by the Clerk of the Patents?

Yes.

2048. Lord *Stanley of Alderley.*] How was it that the attention of the Treasury was not called to the omission to send in the affidavit which was sent in in the year 1834 and in no subsequent year. Can you give any explanation of that?

I can give no explanation with respect to that further than this; that it was, I apprehend, a matter entirely out of the jurisdiction of the Treasury.

2049. *Chairman.*] Do you think it is clear that the omission on the part of the Treasury was not an intentional omission in consequence of their finding they had no power?

I think that that is the most probable construction to be placed upon this Minute of "Nil;" but at the same time, it is a matter which is quite open to argument. I do not know whether Mr. Hamilton and Mr. Arbuthnot agree in placing the same construction upon it that I do.

2050. (*To Mr. Hamilton.*) That paper was formally submitted to the Board before the Minute "Nil" was put upon it, I suppose.

I presume it was. Perhaps I may state that I have spoken (I do not know whether I was right or not in doing so) to Sir Alexander Spearman upon the subject, and his impression is that it was not intended to direct that in future the accounts should be rendered to the Treasury; his impression is that the Treasury had no jurisdiction to make such an order.

2051. *Chairman.*] Would you be good enough to state what were the transactions regarding Mr. Leonard Edmunds, as far as the Treasury was concerned, from the passing of the Act of 1852 to 1861, when I believe, the accounts of the Patents for Inventions' Office being placed in the hands of the Audit Office, the Treasury began to take cognizance of the state of things there?

The Committee are aware that in the year 1852 a new Act of Parliament on the subject of patents for inventions passed. That Act of Parliament separated the question of patents for inventions from the general question of patents; it appointed Commissioners, and prescribed certain duties connected with those Commissioners; it then directed that the sums received in respect of fees for patents for inventions should be paid into the Consolidated Fund, and that the expenses of the office should be defrayed by sums voted by Parliament. In the following year there was an Act of Parliament passed which commuted the fees into stamps, so that in point of fact from that time the fees as such ceased to exist. Upon that occasion, inasmuch as the salaries of the officers of the Commissioners of Patents had to be paid out of a vote by Parliament, it became necessary for the Commissioners of Patents, or for the Clerk to the Commissioners of Patents, to come to the Treasury, otherwise the issues could not be obtained. In that way the Clerk to the Commissioners of Patents was obliged to enter into an account with the Treasury, and he rendered an account to the Treasury from time to time of certain comparatively small receipts for specifications and things of that kind which he received in his capacity of Clerk to the Commissioners of Patents, and also of the sums which he received from the Treasury on account of the vote and of the payments which

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he made for the salaries of the office and for incidental expenses. That was the mode in which, under the new system, the Clerk to the Commissioners of Patents came into immediate contact with the Treasury as an accountant.

2052. Earl *Graham.*] That is with respect to patents for inventions?
Yes; that relates to patents for inventions.

2053. Mr. Edmunds says those accounts have been regularly presented, or that there have been requisitions for payments made under the sanction of the Treasury?
When the first issue was made by the Treasury it was accompanied by the direction, "An account to be rendered to this Board;" that is to say, the Treasury were made the parties to audit and examine those accounts. Accordingly the accounts were rendered to the Treasury, and audited at the Treasury, up to a certain time.

2054. *Chairman.*] What is the character of that audit?
The character of the audit at the Treasury is simply an examination of the payments and comparison with the vouchers; it can hardly be said to be an audit, in the sense of the audit by the Commissioners for Auditing Public Accounts; it is simply an examination to satisfy the Treasury that the sums which have been issued by the Treasury have been duly disbursed.
Mr. Arbuthnot.—For a few years those accounts were examined at the Treasury, and then a change took place. The gentleman who had charge of the auditing of them died, and the question was looked into, and it was determined that the accounts should be sent to the Commissioners of Audit, and from that time they have been examined by the Commissioners of Audit, and not at the Treasury. I think that change took place about the year 1857 or 1858.
Mr. Hamilton.—I think it was a good deal later than that.

2055. Viscount *Hutchinson.*] As long as those accounts were under the control and audit of the Treasury were they satisfactory.
I presume they were. I observe that they are ticked off; that there is every indication upon the accounts of the audit having been properly made; but I may observe, that the Treasury had no means of ascertaining whether the receipts were correctly rendered or not. The Clerk of the Commissioners of Patents made a return of certain sums received for specifications in the aggregate, but the Treasury had no means of ascertaining whether those sums were correct or not.

2056. Lord *Stanley of Alderley.*] All that the Treasury could do was to see that the amount paid in by Mr. Edmunds upon sending in his accounts and the accounts which he sent in tallied.
Yes; they being properly supported by vouchers.

2057. Earl *Graham.*] You mean the account of the receipts of fees sent in by Mr. Edmunds?
There were no fees. The sums received were for specifications and copies, and things of that kind.

2058. *Chairman.*] (*To the Chancellor of the Exchequer.*) Can you state, or will one of the other witnesses do so, what passed at the Treasury from 1861 to April 1864, when the Lord Chancellor appointed Messrs. Greenwood and Hindmarch to make their inquiries?
I believe Mr. Hamilton will state that.
Mr. Hamilton.—Perhaps I had better state to the Committee the circumstances out of which it arose that the accounts of the Clerk to the Commissioners of Patents were handed over to the Audit Office, they having previously been rendered to the Treasury, and dealt with by the Treasury. In January 1861 there was a letter received from the Audit Office, from which it appeared that by a mistake (for such I apprehend it to have been) in making a further issue an issue had been made on what is called an imprest, that is to say, by its being issued with instructions that the account should be rendered, not to the Treasury but to the Audit Office, where imprests are made that brings an account under the cognizance of the Audit Office; and accordingly, thus accidentally, as I imagine, this issue having been made upon imprest, it came under the notice of the Audit Office. The Audit Office then wrote to the Treasury, to state that Mr. Edmunds having received from the Paymaster-General certain sums by way of imprest, under the authority of the Treasury, and the letter of Mr. Edmunds having stated, as regards a part, that he had already transmitted the accounts to the Treasury, the Audit Office wished to inquire whether Mr. Edmunds was henceforth to account to the Treasury or to the Audit Office. I will hand in the letter.

The

The same is handed in, and is as follows:

The Right Hon. W. E. Gladstone.
Mr. G. A. Hamilton.
Mr. G. Arbuthnot.
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"Audit Office, Somerset House, London, W.C.,
"My Lords, 16th January 1861.

"We have the honour to state that the Paymaster General having issued in the course of 1860 certain sums to Mr. L. Edmunds, Clerk of the Patents, by way of imprest, &c., under the authority of your Lordship's letters noted in the margin, we wrote to Mr. Edmunds on the subject, and were informed by him in reply that with respect to a portion of the money so imprested to him he had already transmitted accounts thereof to your Lordships, and that with respect to the remainder the account was in preparation, with the same view. As it further appears by reference to the authorities mentioned in the margin, that similar issues had been made to Mr. Edmunds in previous years, which issues were to be accounted for to your Lordships, we have thought it right, before communicating further with Mr. Edmunds, to request that we may be informed whether it is your Lordships' intention that Mr. Edmunds should account to us for the sums issued to him as Clerk of the Patents in 1860."

Letters to the Paymaster-General.
No. 1114, 25th January 1860.
„ 7338, 19th May 1860.
„ 11633, 24th July 1860.

"We have the honour to be,
"My Lords,
"Your Lordships' most obedient servants,
"Edward Romilly,
"R. Vaughan Davis."

Consequent upon that, or rather I should say consequent upon another letter which the Audit Office wrote afterwards when a further issue was made, the notice of the Treasury was called to the subject, and after consulting with Mr. Anderson, the principal officer of the financial department, a Minute was made handing over the accounts to the Audit Office, and they were then placed in regular audit in the ordinary manner. That was a Minute made on the 16th of May 1861. I will hand in that letter and Minute.

The same is handed in and is as follows:

"Audit Office, Somerset House, London, W.C.
"My Lords, 10th May 1861.

"We have the honour to represent that an issue of 2,794*l.* 0*s.* 5*d.* was made to Mr. Edmunds, pursuant to Mr. Hamilton's letter of the 15th January 1861, 'for expenses of the Great Seal Patent Office, and the Office of the Commissioners of Patents for Inventions, for the half year ended 31st December last, and 400*l.* as an advance in respect of the current half year expenses of those offices.' As no specific directions are given in Mr. Hamilton's letter as to the manner in which the sum is to be accounted for, we should under ordinary circumstances have charged it against Mr. Edmunds in the books of this office; but before doing so in this case we have thought it right to bring the matter under the notice of your Lordships, with a view to our being furnished with such directions as your Lordships may think fit to give us, in relation not only to this issue but to those similar issues to Mr. Edmunds which formed the subject of our reports of the 16th January and the 23d February last, Nos. 20 and 74, to which we beg leave to call your Lordships' attention.

"We have the honour to be,
"My Lords,
"Your Lordships' most obedient servants,
"Henry Arbuthnot.
"W. S. Maberley."

"The Lords Commissioners of Her Majesty's Treasury,
&c. &c. &c.

Treasury Minute on the above.

"Write to the Commissioners of Audit, that my Lords are of opinion that the accounts of the Patent Office established under the 15th and 16th Victoria, chapter 83, should be audited in the usual way by the Commissioners for the Auditing of Public Accounts. That my Lords will request the Clerk of the Patents to place himself in communication with the commissioners, and that their Lordships are prepared to transmit to the Audit Office such accounts and vouchers as have been sent to this department, when the Commissioners of Audit shall be desirous of examining them. Write to the Clerk of the Patents to the same effect. 16th May 1861."

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2059. Did that lead to any further inquiry?

Yes; the Audit Office then took up the accounts regularly, and they instituted inquiries which the Treasury had hardly the power to institute. The Audit Office has great power in dealing with public accountants, and they made inquiries which led them to consider that the arrangement as regards the accounts and payments of the Commissioners of Patents was in a very unsatisfactory state.

2060. That was in the year 1862, was not it?

It began in 1861. I will hand in the letter received from the Audit Office, dated 31st October 1862.

The same is handed in, and is as follows:

"Audit Office, Somerset House, London, W.C.,

"My Lords, 31st October 1862.

"In submitting for consideration the state of the account of L. Edmunds, Esq., as Clerk of the Patents, from 1st January to 31st December 1859, we beg leave to refer your Lordships, in the first instance, to our Report, No. 230, of the 6th June 1862.

"As regards the account now under consideration, we have to state that by the 48th and 49th sections of the 15th and 16th Victoria, cap. 83, it is directed that the expenditure for this service shall be authorized by your Lordships, and shall be defrayed out of monies voted by Parliament.

"With one exception, however, (viz., a purchase of books,) no authorities have been furnished to us with these accounts; and in reply to our inquiry for the authority under which Mr. Gipps was paid 77*l.* 17*s.* for extra work after office hours (having already received 61*l.* 12*s.* on account, which Mr. Edmunds states he omitted to charge), Mr. Edmunds has informed us, that 'the Clerk of the Patents has no written authority from the Commissioners of Patents for any act. He acts in all cases upon verbal and general authorities.' He observes, however, that the payment to Mr. Gipps, with reference to your Lordships' Minute of 1st November 1853 (which directs that payments for extra services shall not be made without your Lordships' authority), should not have been made, but that he was not aware of the Minute in question; and his attention having, with reference to the employment of extra clerks and messengers, been called to the 48th and 49th sections of the 15th and 16th Vict., he replied, 'The Clerk of the Patents has no written authority from either the Commissioners of Patents or the Treasury on the subject of the employment of extra clerks or messengers. The funds for the payment of such extra clerks or messengers are provided annually by Parliament, and the authority of Parliament is held to be sufficient. (See Estimate for 1863.)'

"The circumstance, however, of sums having been voted by Parliament has not been held by your Lordships as entitling an accountant to disburse such sums without the special authority of your Lordships. (See Treasury Minute of 13th June 1856.)

"With reference to your Lordships' Minute of 10th March 1848, we observed that the articles of which a list with the amount named is enclosed, marked (A.), had not been supplied by the Stationery Office; and we have received the enclosed reply, marked (B.), from the accountant, on the subject.

"It is also observed, that repairs and articles of furniture have not been supplied through the Board of Works.

"The account does not include any of the orders of the accountant on the Paymaster General for the payment of salaries or otherwise. We propose, however, to request Mr. Edmunds to introduce these payments into his accounts in future.

"As regards the charge side of the account, it consists of sums received from the Paymaster General, and of sums received for sale of copies of specifications, and of sums received for sale of printed specifications, mounting drawings of specifications, and certified office copies of specifications.

"With regard to the former, it is provided by the 30th section of the Act that copies of specifications are to be sold at such prices as the Commissioners of Patents shall think fit. The accountant has stated that no schedule of prices has been fixed; but books purporting to contain the several sums received, together with a list of prices, have been sent to us. The amounts brought to credit under the heads of the sales of copies of specifications and for mounting drawings are respectively 1,655*l.* 1*s.* 7*d.* and 27*l.* 1*s.* 6*d.*, and the same have not been paid into the Exchequer, although it is directed by the 46th section of the Act that all fees (now, however, paid by stamps,) received for patents shall be so dealt with; moreover, as we have before stated, the 49th section directs that the expenditure is to be provided by Parliament.

"We have further to notice the form in which the account is made up. It is seen in the account for the year 1858, which account was rendered to your Lordships, that he accountant

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accountant claims a balance as due to himself thereon of 3,953*l.* 1*s.* In the account, however, for the half year commencing 1st January 1859, being the first sent to us for audit, this balance is not brought forward. In the account for the half year to 30th June 1859 the accountant records a balance of 1,942*l.* 6*s.* 5*d.* as due to himself; in the account, however, for the next half year no mention of this balance is made; but the balance on the termination of the account to the 31st December 1859 is stated to be 1,599*l.* 19*s.* 2*d.* in the accountant's favour. This arises, no doubt, from the circumstance that the account, as rendered, consists partly of sums paid and partly of sums to be paid; the sums to be paid being no doubt subsequently defrayed out of the balance in surplusage, after the amount of that balance had been received by the accountant from the Paymaster General.

"We have accordingly charged the accountant with the sums which, as appears by the Paymaster General's account, have been received by him, and have excluded from his account all those payments which were made subsequently to the period of the account.

"Your Lordships will perceive that the sums disallowed with reference solely to the absence of your Lordships authority, amount to 3,743*l.* 14*s.* 2*d.*, and it will be for your Lordships to determine whether the accountant should be relieved to that extent; in which case we submit that we should be directed in the warrant on the account to give allowance for the said sum of 3,743*l.* 14*s.* 2*d.*

"It is right that we should state, that from the accountant's answers to our queries, and from verbal communications which have passed between him and our Secretary, we have every reason to believe that the succeeding accounts will be rendered in a more satisfactory manner.

"We have the honour to be,
"My Lords,
"Your Lordships' most obedient servants,
"Edwd. Romilly.
"W. L. Maberley."

"The Lords Commissioners of
Her Majesty's Treasury, &c."

Minute of the Treasury on the above.

11th November 1862.

Prepare Warrant, sanctioning the sum of 3,743*l.* 14*s.* 2*d.* disallowed.

State at the same time to the Commissioners, that in consideration of their statement that they have every reason to believe that the accounts will for the future be rendered in a more satisfactory manner, my Lords will refrain from making any communication to the Clerk of the Patents with reference to the various matters referred to in this Report.

2061. But it was in 1862, was not it, that Mr. Greenwood was appointed to inquire into the defalcations of Smith?

The first information that the Treasury received with regard to the inquiry by Mr. Greenwood into the conduct of Smith was on the 13th of February 1863, when a letter was written by the Audit Office, stating that Smith's defalcation had been under the consideration of the Solicitor of the Treasury; that he had been appointed some time previously by the Commissioners of Patents, or by the Lord Chancellor, to examine into Smith's misconduct and into this defalcation. They state in their letter that Mr. Edmunds had informed them that he did not think it necessary to make a report upon the subject to the Treasury. Mr. Edmunds did not at that time appear to have been implicated in the transaction. I will hand in the letter.

The same is handed in, and is as follows:

"Audit Office, Somerset House, London, W.C.
"My Lords, 13th February 1863.

"With reference to the accounts of Mr. Edmunds, as Clerk of the Patents, we beg leave to bring under your Lordships' notice certain circumstances having reference to the defalcation by Mr. Smith, clerk in the Patent Office, in respect of sums received by him for the sale of specifications. We have been informed that the subject of this defalcation has been under the consideration of the Solicitor to your Lordships' Board; but we deem it proper to bring under your Lordships' notice the following particulars:—

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" A sum of 476*l.* 3*s.* 8*d.* having been brought to credit on the account for the month of October 1862, as 'the amount received balance of the sales of printed specifications accounted for by Mr. Smith,' we requested Mr. Edmunds to state 'whether the sum of 476*l.* 3*s.* 8*d.* represented the whole of the balance due to the public on account of the sales of specifications for which Mr. Smith was accountable, and whether any sums for which Mr. Smith was accountable had been included under any previous head of receipt.'

" The accountant was also requested to state what examination the books of sales of specifications underwent, with a view of ascertaining the total amount due to the public.

" The following is a copy of the reply which we have received from Mr. Edmunds:

" 'The sum of 1,152*l.* 18*s.* 0*d.* given credit for on sale of printed specifications, half year from 1st of January to 30th June 1861, includes the sum of 350*l.* (See Sale Books 1861.)'

" The sum of 1,152*l.* 18*s.* 0*d.* was, as stated by the accountant, brought to credit during the period to which he refers, but no intimation was given to us of Mr. Smith's defalcations, when the account was rendered, or that the sum of 1,152*l.* 18*s.* 0*d.* included a portion of such default.

" In returning the above reply to us the accountant also transmitted two memoranda, one of which is endorsed,—

" 'Statement by the Clerk of the Patents with reference to the defalcations of John Samuel Smith, the salesman in the office for the sale of printed specifications and other prints:

" 'November 1862.

" 'This statement was furnished to the Commissioners of Patents, and also to the Solicitor of the Treasury.

(Signed) " 'L. Edmunds.'

" The other is endorsed,—

" 'January 1863.

" 'For the Commissioners of Audit.

" 'Statement by Clerk of the Patents with reference to the defalcations of John Samuel Smith, the salesman in the office for sale of printed specifications and other prints.

(Signed) " 'L. Edmunds.'

" It is stated in these memoranda, that Mr. Smith's defalcations amounted in the whole to 869*l.* 17*s.* 4*d.*, and that this sum was made good by Mr. Woodcroft, Mr. Duffield (clerks in the Patent Office), and by Mr. Edmunds (with the exception of the sums of 22*l.* 9*s.* 6*d.* and 21*l.* 4*s.* 2*d.*, wrong castings in the books of 1859 and 1860, which had been paid by Mr. Smith.)

" It appears that the default was discovered in April 1861; but of the money so made good (viz., 826*l.* 3*s.* 8*d.*), 350*l.* only was brought to credit by Mr. Edmunds in the year 1861, the remainder, viz., 476*l.* 3*s.* 8*d.*, not having been brought to account by Mr. Edmunds until October 1862. No explanation is afforded in the memoranda of the cause of this delay, nor is it shown in whose hands the money was retained. We now proceed to observe upon certain remarks in the memoranda which refer more particularly to this office.

" It is stated, 'The errors in the cash book of sales of specifications of 1859 (22*l.* 9*s.* 6*d.*) were written at the end of the third and last book of that year, eight or ten months previously to the delivery of the same for audit.' 'An explanation of this particular entry was called for by the Audit Commissioners, and Mr. Duffield attended at the Audit Office, and verbally and satisfactorily explained the matter. The money has been duly accounted for. On this occasion Mr. Duffield stated at the Audit Office to the Secretary that there have been irregularities to be accounted for in auditing the cash books of the succeeding years (1860 and 1861), and was about to enter into details, when he was stopped by the remark 'that they were auditing the accounts of 1859, and that the audit of the succeeding years would come in due course.'

" We beg leave to remark, that our Secretary informs us that he has no recollection of any communication between Mr. Duffield and himself to which the description contained in this statement of Mr. Edmunds can apply.

" After referring to the manner in which the default was made good, Mr. Edmunds goes on to state, 'under the circumstances above detailed, to be investigated in due course by the Commissioners of Audit, the Clerk of the Patents did not think it necessary at the time to make a formal and special report to the Treasury, and the more particularly

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particularly as the whole subject would necessarily and in due course reach the Treasury in the report of the Commissioners of Audit.'

" We apprehend that your Lordships will not consider that the circumstance that the accounts were eventually to be examined by us, a sufficient reason for the omission on the part of Mr. Edmunds to bring under the notice of your Lordships, immediately upon its having been discovered, so grave a case as a default of public monies.

" With reference to the observation of Mr. Edmunds, as to the investigation which would take place in this office into the circumstances of the default in question, it will be obvious that it is not in our power to exercise any satisfactory check on the correctness of the amounts brought to credit in respect of receipts of a character similar to those before adverted to.

" It must rest with the heads of an office to institute such a system of checks, and to make such regulations, as will ensure that all sums received are duly brought to credit, and above all to see that the regulations are punctually enforced.

" We would further observe, that up to this moment we have no means whatsoever of ascertaining that Mr. Smith's defalcations are limited to the amount as stated by Mr. Edmunds.

" We have the honour to be,
" My Lords,
" Your Lordship's most obedient servants,
" Edward Romilly.
" Henry Arbuthnot.

" The Lords Commissioners of
Her Majesty's Treasury."

Minute of the Treasury on the above.

" Transmit to Solicitor for observation."

This letter from the Audit Office was transmitted to the Solicitor of the Treasury, and soon afterwards, in June 1863, the Solicitor made a report to the Treasury, containing a statement of the circumstances connected with the default of Smith. I will hand in the report, with the Treasury Minute upon it.

The same are handed in, and are as follow:

" Sir, Treasury, 4th June 1863.

" I have to acknowledge the receipt of your letter of 27th May 1863, transmitting, by direction of their Lordships, a report from the Commissioners of Audit, dated 13th February 1863, relating to certain defalcations in the Patent Office.

" Their Lordships were pleased to desire, that as the subject had been already under my consideration, by direction of the Lord Chancellor, I should furnish them with any explanation in my power on the subject.

" I beg to report, that by desire of the Lord Chancellor and the other Commissioners of Patents, communicated to me in November last by the Attorney and Solicitor General, I made the best investigation in my power as to the defalcations that had taken place in the Patent Office, and as to the accounts of the office.

" I embodied all my observations in a report, of which I have the honour to enclose a copy.

" I forward also, in justice to all parties, a copy of the statements made by the officers whom I examined, in order that their Lordships may judge how far the evidence sustains the report.

" I ought to add, that the examination and report related to other matters than will probably be under the consideration of their Lordships, viz., the original constitution of the office, the subordination of various officers to others, the checks established, the control exercised, &c. (with a view to ascertain where the substantial responsibility ought to rest, and with a view to alterations in the establishment, as well as to an investigation of the particular offence which led to the inquiry).

" But I have thought it best to submit the whole, rather than extracts, to their Lordships.

" The only additional matter which I have to mention is (what I am afraid will be unintelligible without the report), that Mr. Edmunds informed me, after my report had been sent to the Commissioners, that he had paid the sum of 749*l.* 7*s.* 4*d.* into a Patent Office Account at Messrs. Coutts's, and I have there seen an entry to that effect.

It will be observed that 749*l.* 7*s.* 4*d.* was the sum first paid over to Mr. Edmunds in May 1861, as the amount of the defalcations of the clerk Smith.

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" An arbitrary portion of this, viz., 350*l.*, was forthwith paid by Mr. Edmunds to the Cashier of the Patent Office; the remainder, viz. 397*l.* 7*s.* 4*d.*, remaining unaccounted for in Mr. Edmund's hands from May 1861 until the October account of 1862.

" I have had no sufficient opportunity of ascertaining what this Patent Office Account at Messrs. Coutts' consists of; but Mr. Edmunds has verbally informed me that it was originally a public account, but has ceased to be so, though he has continued to keep it open as a matter of personal convenience, in order that he may pay any sums into it which he may desire to keep separate from his own general account.

" I have the honour to be,
Sir,
" Your obedient servant,
" The Secretary, Treasury. JOHN GREENWOOD."

2062. What happened subsequently to that Report in 1863?
The Treasury had previously written to the Commissioners of Patents, calling their attention to some defects in the arrangement of the accounts in the office; but subsequently, in November, the Treasury wrote to the Commissioners of Patents, calling, in very strong language, their attention to the circumstances out of which the defalcation of Smith had arisen, and the condition in which the department then appeared to be with regard to its constitution and its organization.

2063. Lord *Taunton.*] Have you got that letter?
No.

2064. Earl of *Derby.*] What is the date of that letter?
The 3d of November 1863. I have the Minute here, but I have not the letter. I will put in the letter afterwards. I have here the Minute upon which the letter of November was afterwards written.

The same is handed in, and is as follows:

" October 1863.

" Write to the Commissioners of Patents, that the attention of this Board has been called by the Commissioners of Audit to certain circumstances connected with defalcations on the part of Mr. Smith, late a clerk in the Patent Office, in respect of sums received by him for the sale of specifications, and as it appeared that the matter had, at the desire of the Commissioners of Patents, been made the subject of investigation by Mr. Greenwood, the Assistant Solicitor to this Board, my Lords considered it their duty to call upon that officer for a Report on the case, and he has accordingly submitted to them a copy of the Report, which was forwarded by him to the Commissioners in January last.

(Repeated in form of letter, dated 5th Nov. p. 260.)

" State, that as it seems that the whole amount of the defalcations, so far as they could be ascertained, with the exception of a comparatively small sum, has been made good, and that Mr. Smith has now for same time ceased to be employed in the Patent Office, my Lords concur in opinion with Mr. Greenwood that no advantage will be derived by prosecuting him for the outstanding amount.

" Their Lordships are persuaded that the Commissioners of Patents concur in the opinion they have formed as to the very reprehensible state of things in the office, which has been disclosed by the investigation of Mr. Greenwood.

" A considerable sum of public money is embezzled by a junior clerk, entrusted with the receipt of it. Apparently to prevent exposure or detection, Mr. Smith's superior officers in the department, Messrs. Duffield and Woodcroft, enter into pecuniary transactions with the defaulter, and with their aid the amount required is raised on a mortgage of the defaulter's property, Mr. Duffield appearing to be the lender. The Clerk of the Patents, though aware of the default, makes no communication to their Lordships, or, so far as my Lords are aware, to the Commissioners; and although the greater part of the sum in default was paid to Mr. Edmunds in May 1861, the full sum so paid to him was not brought to the public credit until October 1862, and the default in the office is ultimately made known to the Commissioners only by a letter addressed by a clerk, Mr. Prior, to the Lord Chancellor, in August 1862.

" My Lords cannot but view with extreme dissatisfaction the culpable neglect on the part of Mr. Duffield, Mr. Smith's immediate superior, of the duty of inspecting the account which was kept of the transactions of the sales of specifications, and his remissness in not investigating the whole matter on the first intimation of the defalcations

tions being made to him. Nor can they overlook the course adopted by the Clerk of the Patents, both in rendering the account of sales for the half year ending 30th June 1861, and in keeping back the large balance of 399*l.* 7*s.* 4*d.* from May 1861 to October 1862, and also in abstaining from making any report whatever on the subject. While they are unwilling to impute any motives for the delay on the part of the Clerk of the Patents to pay over at once the whole amount which had been made good in May 1861 of Mr. Smith's defalcations, they must express their extreme regret that the delay should have taken place, and that no report appears to have been made by him to the Commissioners.

"State that my Lords feel convinced that immediate measures were taken by the Commissioners upon the receipt of Mr. Greenwood's Report to prevent the recurrence of the negligence which had led to such an unfortunate result, but as they have received no communication from them on the subject, their Lordships feel that they would not be justified any longer in not requesting that the Commissioners will inform them of any proceedings on their part having for their object to impose more efficient checks for the future, and of the notice they have taken, or may propose to take, of the conduct of the several officers concerned."

2065. Earl of *Clarendon.*] To whom was the letter addressed which was founded upon that Minute?

To the Commissioners of Patents for Inventions.

2066. Lord *Taunton.*] Was any answer received to this communication to the Commissioners of Patents?

I think the next thing we heard was the appointment by the Lord Chancellor of Mr. Greenwood and Mr. Hindmarch to inquire into the constitution of the office, or rather into the irregularities of the office.

2067. Was there no regular answer, beyond a mere formal acknowledgment?

No.

2068. What was the date of the Minute which you read, and of the letter?

The date of the Minute was 31st October 1863; the letter probably might have been a day or two later.

2069. Earl of *Malmesbury.*] The inquiry appointed by the Commissioners was instituted in April 1864, three months after that letter?

Yes.

2070. Lord *Taunton.*] (*To Mr. Arbuthnot.*) Was not there a letter from the Commissioners of Patents in reply to that letter from the Treasury before the inquiry began?

There was a letter from the Lord Chancellor, asking the authority of the Treasury for the employment of Mr. Greenwood in that business.

2071. Earl of *Clarendon.*] Was that requisition on the part of the Lord Chancellor in consequence of that letter from the Treasury?

I think it brought under his notice the irregularities of the office, and he wished to have them inquired into.

2072. We have it in evidence that the reason why the Lord Chancellor requested that inquiries should be made was in consequence of a communication which he had received about dissensions in the office between Mr. Edmunds and Mr. Woodcroft, and in consequence of Mr. Edmunds desiring the fullest inquiry into his conduct. It was upon that that the Lord Chancellor founded his request to have those two gentlemen appointed; not in reference to the Treasury letter, I think?

I think the dissensions in the Patent Office arose in consequence of this communication from the Treasury.

2073. What is the date of this communication?

The Chancellor of the Exchequer.—The date of the letter is November 3d; the Minute is dated October 31st.

2074. When did the Lord Chancellor make the application for the appointment of these two gentlemen?

It appears to have been on the 25th of April in the following year.

Mr. Hamilton.—In April the Lord Chancellor first wrote to the Treasury, proposing that Mr. Greenwood and Mr. Hindmarch should be appointed, or rather that the Treasury should consent to the appointment of Mr. Greenwood.

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2075. Without any allusion to this letter from the Treasury?
The purport of the Lord Chancellor's letter was, that his Lordship's attention and that of the other Commissioners of Patents had been for some time directed to the state of confusion and disorganization in the office.

2076. Lord *Chelmsford.*] The principal officers in the office had brought a series of grave charges against each other; had they not?
Yes.

The Chancellor of the Exchequer.—We have no evidence to give as to what was the cause of them, I think; it is matter of opinion. The Commissioners of Patents or the Lord Chancellor would be better able to say how it was. It is a mere inference upon our part, that out of that letter of the 3d of November grew the dissensions, and consequently the inquiry.

Mr. Hamilton.—I can state to your Lordships all the communications which we received. The first communication which the Treasury received, subsequent to the Treasury letter of the 3d of November, was that of the 2d of March 1864, from the Clerk of the Patents; in it he refers to a letter of the 29th of February, and asks for a copy of the letter of the 5th of November, which was the letter in question. I can put in that letter.

The same was handed in, and is as follows:

"Sir, "Patent Office, March 2d, 1864.

"Referring to your letter of the 29th ult., addressed to the Commissioners of Patents, I have the honour to request that I may be furnished with a copy of your letter of the 5th November last, therein referred to. I have also to request a copy of your letter of the 20th May last, also referred to. I have never seen any letter of that date.

"I have the honour to remain,
"Sir,
"Yours most obediently,
"L. Edmunds,
"The Right Hon. Fredk. Peel. Clerk of the Patents."

Treasury Minute on the above.

"Write to the Clerk of the Patents that my Lords do not understand what he means by stating that he has never seen any letter of the date of the 20th May 1863 from this department, as my Lords have before them a letter from himself dated the 11th of June 1863, written in detail, in answer to the Treasury letter in question.

"Observe that the letter of the 5th November last was addressed to the Commissioners of Patents, and that his proper course will be to apply to those Commissioners on the subject.

"5th March."

2077. *Chairman.*] To whom was the letter from the Treasury upon that Minute sent?
It was addressed to the Commissioners of Patents for Inventions. It would go, no doubt, to their Clerk?

2078. Duke of *Somerset.*] To Mr. Edmunds?
Yes.

2079. Lord *Stanley of Alderley.*] How did that letter addressed to the Commissioners of Patents come into your hands?
I have read the Minute which directed a letter to be written to the Commissioners of Patents, which letter, no doubt, was addressed and sent to the Clerk of the Patents.

2080. Lord *Chelmsford.*] This is a copy of that letter, I suppose?
No; of the Minute.

2081. Lord *Stanley of Alderley.*] As I understand, the letter you have just read from Mr. Edmunds was from Mr. Edmunds to the Commissioners of Patents?
Mr. Arbuthnot.—No; it was from the Treasury.

2082. *The*

2082. *The Chancellor of the Exchequer.*—The question is, whether the letter to the Commissioners of Patents would be addressed to their Clerk? *The Right Hon. W. B. Gladstone.*

Mr. Arbuthnot.—It would be addressed to the Commissioners, but the Clerk would probably open it.

Mr. Hamilton.—It would go to the office of the Commissioners of Patents. *Mr. G. A. Hamilton.* *Mr. G. Arbuthnot.*

2083. *Chairman.*] (*To the Chancellor of the Exchequer.*) Will you state what occurred when the Treasury first had knowledge of the result of the inquiry of Messrs. Greenwood and Hindmarch? 27th Mar. 1865.

The Report of Messrs. Greenwood and Hindmarch was made in July, and a copy of that Report sent to the Treasury. That was the first knowledge we had of it, I think.

Mr. Arbuthnot.—We did not hear of it officially until the Lord Chancellor wrote to us.

2084. (*To the Chancellor of the Exchequer.*) Was it sent by Messrs. Greenwood and Hindmarch, or by the Commissioners of Patents? Will you state how you received the Report?

On the 5th of August 1864 the Treasury received this letter from the Secretary to the Lord Chancellor. There was no official knowledge anterior to that. I will read that letter.

The same is handed in, and read as follows:

"1, Upper Hyde Park Gardens,
"Sir, 5th August 1864.

"By direction of the Lord Chancellor, I have the honour to state to you, for the information of the Lord Commissioners of the Treasury, that Mr. Leonard Edmunds has resigned the offices lately held by him as Clerk of the Patents and Clerk to the Commissioners of Patents, the latter being the more valuable.

"It appears that Mr. Leonard Edmunds has not accounted to the Treasury for the fees received by him as Clerk of Patents since the year 1852. I am desired by the Lord Chancellor to refer you to Mr. Greenwood, one of the Solicitors to the Treasury, for full information on this subject, as he and Mr. Hindmarch have fully investigated the matter.

"It was necessary to fill up the office of Clerk of the Patents, but the Commissioners do not intend at present to fill up the office of Clerk to the Commissioners of Patents, as they think it probable some saving may be effected by a re-distribution of duties.

"Meantime, Mr. Bennet Woodcroft, a Superintendent in the Patent Office, has their authority to act pro tem. as Clerk of the Commissioners, and I am to request that you will recognise him as filling that character until a final arrangement is made.

"I have the honour to be,
"Your obedient servant,
"Augustus B. Abraham,
"G. A. Hamilton, Esq. Principal Secretary."

2085. Earl of *Clarendon.*] But then the report of Messrs. Greenwood and Hindmarch was not officially communicated to the Treasury?

Mr. Hamilton.—Not at that time; subsequently it was; on the 19th.

The Chancellor of the Exchequer.—Then in answer to that letter from the Secretary to the Lord Chancellor a Minute is made on the 9th of August to the following effect:

"Treasury Minute, August 9, 1864.

"Write to Mr. Abraham that my Lords have received his communication with great regret.

"Request he will inform the Lord Chancellor that, in compliance with his Lordship's suggestion, my Lords will apply to Mr. Greenwood for full information on the subject of the neglect of Mr. Edmunds to account for the fees received by him as Clerk of the Patents since 1852. Their Lordships will merely at present observe that it is incorrectly supposed that the Clerk of the Patents is required to account to the Treasury for such fees. They are payable direct into the Exchequer, under the 7th section of the Act 3 and 4 William 4. Chapter 84.; but although the enactment requires that they shall be duly accounted for, the Board of Treasury has no authority in the matter.

"The Lord Chancellor will no doubt think it right that inquiry should be made regarding the mode in which the account of these fees is kept, which could allow of a long-continued defalcation without observation. My Lords will be ready to give their aid in such an investigation.

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" In the meantime their Lordships will be glad to be informed, with a view to the consideration of proceedings on behalf of the public in that case, whether in accepting Mr. Edmunds' resignation of his offices of Clerk of the Patents and Clerk to the Commissioners of Patents his Lordship was satisfied that no imputation of criminal defalcation attaches to that person.

" Transmit copy of Mr. Abraham's letter to Mr. Greenwood, and request that he will furnish my Lords with a copy of the Report made by himself and Mr. Hindmarch on the case of Edmunds."

That is the mode in which the Report came under the notice of the Treasury.

Mr. Hamilton.—The Report was transmitted to the Treasury on the 19th of August.

2086. Earl of *Clarendon.*] What was the date of that Minute or letter?

The date of the Minute is the 9th of August; the date of the letter upon it was the 12th of August.

2087. Lord *Taunton.*] What answer did you receive to that letter?

The answer to that letter was on the 12th of September.

Mr. Arbuthnot.—I think it is more correct to say that there was no answer, for the letter of the 12th of September did not refer to it.

2088. Earl of *Derby.*] That letter was addressed to the Secretary to the Lord Chancellor, was it not?

Yes. I may mention that as your Lordships are now asking me questions respecting the steps taken by the Treasury as a department, there are various more or less important memoranda and communications that passed between Mr. Hamilton and myself, I being out of London all the time, of which I am taking no notice. If the Committee wish to see them I have them here.

2089. *Chairman.*] The Committee wish to know the steps taken by the Treasury as a department with reference to the Clerk of the Patents and the Clerk to the Commissioners of Patents?

Then I apprehend it will not be necessary to read these memoranda.

2090. Earl *Graham.*] What answer did the Lord Chancellor send to the letter of the 9th of September?

This is the Lord Chancellor's letter of the 12th of September; at least the letter of his Principal Secretary, Mr. Abraham. There was a letter of the 5th of September, I believe, but I think it was not material.

2091. *Chairman.*] Will you look for it, and hand it in?

It shall be handed in in any case. It is acknowledged in this letter from the Lord Chancellor. The Lord Chancellor does not refer to the letter of the 12th of August in this letter, but it contains an answer, I think, to the letter of the 12th of August.

(See Pa. 264.)

The same is handed in, and read as follows:

" No. 1, Upper Hyde Park Gardens,

" Sir, 12 September 1864.

" I am directed by the Lord Chancellor to acknowledge the receipt of your letter of the 5th instant, and to explain to you that the right and power of requiring Mr. Leonard Edmunds to account for all fees received by him as 'Clerk of the Patents' are vested in and belong to the Lords Commissioners of the Treasury, and not the Lord Chancellor or the Commissioners of Patents. It is true that the Clerk of the Patents is an officer of the Court of Chancery, and as such removable by the Lord Chancellor for misconduct; but by an Act passed in the year 1834 the salary of the Clerk of the Patents was fixed at 400*l.* per annum, and he was bound to account for and pay over to the Treasury all fees received by him for patents, except patents for inventions. The patents (not including patents for inventions) on which the Clerk of the Patents was and still is entitled to fees (but since 1834 subject to the Act) are of various kinds; patents conferring titles of nobility, the rank of baronet or knight, colonial offices, grants of livings, and the like; in short all patents other than patents for inventions, which are put on a different footing by the Act of 1852.

(See Pa. 264. Treasury Minute.)

" Mr. L. Edmunds, therefore, should be required to render an account (specifying dates and names) of all patents (other than patents for inventions) to which his name has been affixed

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affixed as Clerk of the Patents since the Act of 1834 came into operation, and of all sums received by him as fees in respect thereof. This account can be easily checked by the accounts of the Crown Office and elsewhere. Mr. Edmunds must then be required to state what sums he has paid to the Treasury and the balance will be at once apparent. On these balances he ought to be charged with interest at five per cent. in respect of his breach of duty, but for this purpose resort to a court of justice would be necessary.

"The Lord Chancellor suggests that the Lords of the Treasury should direct their Solicitors, who are thoroughly conversant with the subject, to lay a case before the Law Officers as to the course to be taken.

"In accepting Mr. L. Edmunds' resignation as Clerk of the Patents, the Lord Chancellor (from abundant caution) took from him a written engagement that he would account for and pay over to the Treasury all sums due from him as Clerk of the Patents. This was quite unnecessary, but it was done to prevent any misconception as to the terms on which his surrender was accepted.

"I have the honour to be,
"Sir,
"Your very obedient servant,
"The Right Honourable Frederick Peel, M.P. AUGUSTUS B. ABRAHAM."

Treasury Minute of the 22d September.

"Write to Mr. Leonard Edmunds, that my Lords are advised that he has omitted to pay to the account of Her Majesty's Exchequer monies received by him, and payable under the provisions of the Act 3 and 4 William 4. chapter 84. to that account.

"Their Lordships desire that he will forthwith comply with the provisions of the Act in regard to such monies, and that he will apply to this Board for the necessary receivable order (stating the amount), so as to enable this Board to give the requisite instructions to the Comptroller General of the Exchequer in regard of the receipt thereof."

Treasury Minute on the above.

"Transmit copy to the Clerk of Patents, and request that he will furnish my Lords with an explanation with regard to the items in his accounts referred to.

"Sir, 4, Grafton Street, 23d September 1864.

"In acknowledging your letter of yesterday's date, I have the honour to request the Lords Commissioners of Her Majesty's Treasury will be pleased to direct a 'receivable order' to be issued, directing me to pay over the sum of 7,872*l.* 5*s.* 6*d.* to Her Majesty's receipt of Exchequer, on account of fees received in the Patent Office under the provisions of the Act 3 and 4 Will. 4. c. 84.

"I have the honour to remain, Sir,
"Your most obedient servant,
"G. A. Hamilton, Esq., L. EDMUNDS."
&c. &c. &c."

Treasury Minute of the 28th September.

"Write to Mr. Leonard Edmunds, and request that he will without loss of time render to this Board an account (specifying dates and names) of all patents (other than patents for inventions) to which his name has been affixed as Clerk of the Patents since the Act 3 and 4 William 4. chapter 84. came into operation, and of all sums received by him as fees in respect thereof."

"Sir, October 24th, 1864.

"In reply to your letter of the 28th ult., desiring me to render an account to the Lords Commissioners of Her Majesty's Treasury of the dates and names of all patents (other than patents for inventions) to which my name has been affixed since the Act 3 & 4 Will. 4. c. 84. came into operation, and of all sums received as fees in respect thereof, I have the honour to enclose a return in answer.

"The list of instruments detailed in the return have been extracted from the Record Books of the Patent Office under my own superintendence, and I can undertake to state that so far the same is correct.

"I have placed the list in the hands of Mr. Ruscoe, the Chief Clerk in the Patent Office, requiring him to write the several fees taken by him opposite to the titles of the several instruments. He has written the several sums appearing in the return, but I am satisfied that in numerous instances he has not correctly stated them.

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" I have pointed out to him sums stated which I believe to be erroneous, and have endeavoured to obtain from him a more correct account, but he has positively refused to alter any one sum stated by him.

" Mr. Ruscoe has had the sole custody and possession of all the records and account books of the office from 1833 to the present time.

" The fee books kept by him from 1833 to 1846, and again from 1852 to 1857, are missing, and he states that they are lost.

" For this reason I am at present unable to give any further information than that contained in the return.

" I have to state that the delay in making the return has arisen entirely from the many difficulties that have been placed in my way in obtaining proper and reasonable access to the record books of the office, as well by Mr. Ruscoe as by others in the office.

" I have the honour to remain,
" Sir,
" G. A. Hamilton, Esq. Your most obedient servant,
&c. &c. L. Edmunds."

" *Treasury Minute of 4th October* 1864.

" Transmit these papers to the Solicitor, and informing him of the requirement addressed to Mr. Edmunds by order of this Board for an account of all patents (other than patents for inventions) to which his name has been affixed as Clerk of the Patents since the Act 3 and 4 William 4. chapter 84. came into operation, and of all sums received by him as fees in respect thereof. Observe that it is important to ascertain what proceedings can be taken for enforcing the production of such an account, in case Mr. Edmunds should delay or evade a compliance with their Lordships' requisition.

" My Lords desire to have his opinion upon this point, because, as stated in their letter of 12th August last to the Lord Chancellor's Secretary, they were under the impression that, although such fees as the Clerk of the Patents is required to pay to the account of the Consolidated Fund are required to be accounted for under the Act 3 and 4 William 4. cap. 84., the Board of Treasury has no authority in the matter. The Lord Chancellor has, however, informed my Lords that the right and power of requiring Mr. Leonard Edmunds to account for all fees received by him as 'Clerk of the Patents' are vested in and belong to the Lords Commissioners of Her Majesty's Treasury. My Lords wish, therefore, not only with reference to the case of Mr. Edmunds, but also with reference to the accountability of his successor in the office of 'Clerk of the Patents' to be informed of the law or authority which vests such right and power in this Board."

2092. Lord *Chelmsford.*] Was the opinion of the law officers taken?

No; not at that period.

Mr. Hamilton.—The letter of the 5th of September was a letter written upon the Report of Messrs. Greenwood and Hindmarch, and the purport of it was that the Treasury sent extracts from the Report for the consideration of the Lord Chancellor and the Commissioners of Patents.

(See p. 264.)

2093. Lord *Stanley of Alderley.*] That is the letter that you are going to put in?

Yes.

The same was handed in, and is as follows:

" Sir, Treasury Chambers, 5th September 1864.

" I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit herewith copy of a Minute of this Board dated the 2d instant, on the subject of the Preliminary Report of the Committee appointed to inquire into the manner of conducting business in the Patent Office and the office of the Commissioners of Patents.

" I am, &c.
" The Lord Chancellor. (Signed) F. Peel."

The Chancellor of the Exchequer.—I think, perhaps, the best description I can give now of the proceedings of the Treasury would be this general description:—I was out of town, and Mr. Hamilton communicated with me and communicated with Mr. Peel, and Mr. Hamilton and Mr. Arbuthnot also communicated, I believe, with others, in order to consider what the proper course was for the Treasury to take. The Treasury arrived at the conclusion that, after receiving the letter of the 12th of September, their paramount duty, under the circumstances, would be to take care that the large sum of money which they knew to be standing at Mr. Edmunds' credit was not made away with.

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With regard to the letter which I have referred to of the 12th of August, I have read the Minute upon which that letter was founded. Our first impression had been that Mr. Edmunds was criminally liable, and it was upon that account that we expressed our regret at learning that Mr. Edmunds' resignation had been accepted; but, upon receiving the letter of the 12th of September, Mr. Hamilton communicated with those whom I have mentioned, and of course he had the advantage of communicating with Mr. Greenwood, who is one of our advisers, and who likewise was minutely conversant with the whole of the circumstances, and for various and important reasons which might be stated, including the fact that the Commissioners of Patents had taken a bond from Mr. Edmunds for the payment of the money, we came to the conclusion that it was in vain to think of criminal proceedings. And, moreover, we understood the letter of the Lord Chancellor referring to the opinion of the law officers to be a letter not directed to any opinion of the law officers as to criminal proceedings, but directed, as it would rather appear from the context, to the consideration of the question in what way the money had best be secured, or Mr. Edmunds required to pay up the amount of his debt to the public, with interest, as the Lord Chancellor had described it. And the result of those communications was, that Mr. Hamilton wrote the letters which have been laid before the Committee, giving to Mr. Edmunds the receivable order which was necessary to enable him to make the payment. I think the 22d of September was the date of Mr. Hamilton's final letter to that effect. That in point of fact was the last official proceeding of the Treasury preliminary to the payment of the money. The money was paid by Mr. Edmunds into the Exchequer.

2094. Earl of *Derby*.] You have referred to a letter from the Lord Chancellor the answer to which was upon a Minute of August the 12th.

The letter was dated August the 12th and the Minute was dated the 9th.

2095. In that letter from the Lord Chancellor there was a suggestion made that the Treasury should inquire how it could happen that continued defalcations for a period of ten or twelve years could go on without discovery?

Our letter did not say that the Treasury should inquire. Our suggestion was, that the Lord Chancellor should direct an inquiry. "The Lord Chancellor will no doubt "think it right that an inquiry should be made."

Mr. Arbuthnot.—It offers the assistance of the Treasury.

The Chancellor of the Exchequer.—Yes. I read the words before. The Lord Chancellor answers it by saying that it does not rest with himself or with the Commissioners, I think, but with the Treasury, to make those inquiries. My impression is (but that is a matter upon which, of course, the Lord Chancellor himself would be the proper person to give evidence), that the Lord Chancellor directed that letter to be written under the belief that the Exchequer and Treasury were substantially one, or at the least that what was directed to be done by the Exchequer could be enforced by the Treasury.

2096. In point of fact no such inquiry has been made as that suggested by the Lord Chancellor, as to how it has happened that for a lengthened period there were these continued defalcations, no sum of money whatever having been paid into the Exchequer. It is a very important inquiry. From 1853 down to 1864 Mr. Edmunds appears to have discontinued making any payments whatever into the Exchequer; that has gone on without his being called upon to account for it, or any inquiry being made why it was that no sum was paid to the public credit during these years?

Quite so; but I am under the impression that that is a matter hardly needing formal inquiry. I believe that the root of the mischief lies in this Act of Parliament, and not only in this Act of Parliament but in a rather wide-spread system under which there are vast sums of money in this country in various categories for which the public would be ultimately responsible, and with regard to which, if they disappeared, the House of Commons would be called upon for a vote for their replacement, and with regard to which, nevertheless, the Treasury has no power whatever.

2097. *Chairman.*] Will you state some of the instances to which you refer?

I may mention the Chancery funds, to begin with; the Suitors' Funds.

2098. Did you not once attempt to deal with that fund?

The Cabinet, at my instance, and the instance also, if I remember right, of the Lord Chancellor, who was then Attorney General, advised the Crown to issue a Commission for the purpose of inquiring into the condition of that fund, with a view to a change, and the Commission has reported. They reported, after a long inquiry, but no measures have been taken upon the subject of that Report; and the Commission has not touched

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the question in its Report whether the control, as far as custody is concerned, should or should not be given to any department of the Executive Government over those monies.

2099. Is there any jealousy of the Treasury with regard to interference with any of those branch funds.

If I were asked my own private opinion, I should say undoubtedly there is very great jealousy of the Treasury, whenever it shows an inclination to interfere. It would not be difficult to show, from reports of discussions of the House of Commons, the jealousy of the Treasury, which, perhaps, not unnaturally arises, when it endeavours to get into its hands and under its control money which is not there now.

2100. Earl *Graham.*] The Lord Chancellor's Secretary in his letter of the 12th of September says distinctly that he considers that it is the business of the Treasury to inquire into the payment of these monies, and why Mr. Edmunds did not pay them. That is quite contrary to the view of the law that you take?

Entirely. My impression is that it was wholly founded upon the Lord Chancellor's finding the Exchequer mentioned in the Act of Parliament, and taking the Exchequer to be, for practical purposes, identical with the Treasury. At the same time, of course, he will best explain the precise idea with which he wrote or directed the letter. When I spoke of "jealousy" upon this subject, I did not mean jealousy on the part of any particular person. My belief is, that the Lord Chancellor, if I recollect rightly, was of opinion that the Chancery funds ought to be placed under the control, as far as custody was concerned, of the Financial Department, so far, I mean as this, that the Financial Department should become responsible for their safety; not, of course, with a view to control in any manner their disposal.

2101. *Chairman.*] Can you mention any other funds of a similar character in a similar position?

There are many funds in other courts. The first occasion that I had to think of it was in the time of Lord Aberdeen's Government, many years ago, when there was a defalcation of some 60,000*l.* or 70,000*l.* in the Court of Admiralty, and I was called upon to ask the House of Commons to vote that sum of money. There are other large funds in a similar position; for example, there are, I think, two millions of money at present held by the Charity Commissioners over which the Treasury has, I believe, no control whatever.

2102. Earl of *Derby.*] Was that defalcation that you mentioned one of long standing, and extending over a long period of years, or was it one that was soon discovered?

At this distance of time I cannot say. I know that the defaulter was a person named Swabey.

2103. What I want to arrive at is this:—Is it the case that a number of officers, among others the Clerk of the Patents and the Clerk to the Commissioners of Patents, may hold in their hands just as much public money as they think fit, and pay it, if they think fit, and if they pay nothing at all there are no means of calling them to account for such nonpayment?

That is a very true description of the case of the Clerk of the Patents, as far at least as it concerns the Treasury; and it would not surprise me at all to find that there were a great number of other officers in a similar condition.

2104. *Chairman.*] Will you state what you think would be the best remedy for that state of things, which everybody deplores, or have you not sufficiently considered the subject?

In principle the remedy would be this. I think the House of Commons is the great steward of the public money, inasmuch as it devolves upon the House of Commons to provide the money which is necessary for the public service. My opinion is, that all monies in the control of any public authority,—that is to say, not a local authority, but one connected with the Imperial Government,—all those monies which are held in deposit by public officers, or which are on their way to the public exchequer,—if they are intended to reach the public exchequer—are monies for which the House of Commons ought to consider itself responsible; and, if so, the House of Commons ought to have the means of making provisions to insure their safety, and of calling to account in the usual manner some members of the Executive Government who should be especially responsible for their safety. But to work out that principle would require a great deal of careful investigation. There can be no doubt, in my opinion at least, that as regards the custody of money and the business of accounting for money the present state of the law is very deficient indeed, not with respect to the great branches of revenue, but with

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with respect to the head of miscellaneous receipt, and as relating to a great variety of funds which come into the hands of various public officers without belonging to the public.

Mr. Hamilton.—In the Finance Accounts, No. 26., there is a statement of the fees paid by public officers. If the Committee will look over this account they will find that there is nearly 500,000*l.* a year paid in that way. This morning, I was looking over the Acts of Parliament, and I find that there are forty Acts of Parliament dealing with such funds, prescribing, in many cases, different modes in which the account is to be rendered; in some cases directing the account to be rendered quarterly to the Treasury; in other cases directing that the amount shall be paid into the Consolidated Fund, in the manner and form directed by the Treasury; and in other cases, like that of the Patent Office, giving no directions upon the subject at all. In some cases the Act directs that the balance should be paid, that the Treasury should sanction the amount of the expenses, and direct the balance only to be paid into the Consolidated Fund.

2105. Lord *Panmure.*] Are there directions, with regard to each public accountant, as to how the money is to be paid into the public funds?

Yes; and here is a great variety of directions. There are forty Acts of Parliament prescribing different modes of payment in many cases.

2106. Earl of *Derby.*] Was there any official memorandum upon the subject of issuing the receivable order for accepting the sum of money paid in by Mr. Edmunds?

It may appear strange, no doubt, that the Treasury should not have had cognizance of the nonpayment of the sums of money from 1853 downwards; but formerly, before the system of receivable orders was established, which was in 1855, the parties had to go to the Exchequer, and get their authority from the Exchequer, and not from the Treasury, to pay their money. In the year 1855 the system was changed, and it was then directed by a Minute ——

Mr. Arbuthnot.—It was by Act of Parliament.

Mr. Hamilton.—I think it was by a Minute, founded upon an Act of Parliament. However, it was then directed that the parties who had money to pay into the Consolidated Fund should apply to the Treasury for a receivable order. This brought all payments into the Consolidated Fund to the knowledge of the Treasury. The object of the receivable order, however, was simply that at the Bank of England or at the Exchequer they might know the account to which the payment was to be placed. It was merely a ministerial act, and did not involve the consideration of the propriety of the payment.

2107. Earl of *Derby.*] Was there any memorandum accepting that payment as a satisfactory payment on the part of Mr. Edmunds?

No; quite the contrary; it was merely issuing an order for him to pay it, or rather for the Exchequer to receive it.

2108. What was the date of that?

The 22d of September.

2109. (*To the Chancellor of the Exchequer.*) At the time of making that arrangement had you seen or received the explanation put in by Mr. Leonard Edmunds on the 20th of September, containing his reply to the charges made against him?

No, I had not.

2110. (*To Mr. Hamilton.*) Had it ever been forwarded to the Treasury?

Yes; his rejoinder had been forwarded to the Treasury.

2111. Lord *Chelmsford.*] His answer to that Report dated the 20th of September?

Yes; I think that is the date.

2112. Earl of *Derby.*] Then Messrs. Greenwood and Hindmarch sent in a rejoinder upon that, and Mr. Edmunds replied again?

Yes.

2113. Had all those papers been before the Treasury?

Yes.

2114. Lord *Chelmsford.*] (*To the Chancellor of the Exchequer.*) I asked you something about obtaining an opinion of the law officers, and you said you had not got it at that period. Was there afterwards an opinion of the law officers with regard to the proceedings against Mr. Edmunds?

Yes; the opinion of the law officers has since been taken.

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2115. Will you have the kindness to let the Committee know what that opinion was?

This opinion was taken by Mr. Greenwood, which is a usual thing in his office, without direction from the Board. I can read the opinion, if your Lordship wishes it.

2116. I do not want to hear the case. I merely want to know what their opinion was?

I will read it, if I understand that it is the desire of the Committee.

The same is read as follows:

"OPINION.

"We are of opinion that under the Acts 2 & 3 Wm. 4. c. 4. ss. 1–5. (as to acts done before the 31st October 1861), and 24 & 25 Vict. c. 96. s. 70. (as to acts done since that date), criminal proceedings may be taken against Mr. Edmunds.

"In order to make the ground of this opinion clear, we must distinguish between the several items, amounting together to 17,490*l.* 0*s.* 10*d.*, which are enumerated at the close of the Report of Messrs. Greenwood and Hindmarch, dated the 31st January 1865.

"(A.) The sum of 8,764*l.* 3*s.* 6*d.*, being the aggregate of deficiencies on account of fees payable to the Consolidated Fund, exclusive of the amounts of 12*s.* 10*d.* deducted per skin. Of this sum a considerable proportion having from time to time remained to the credit of the "Patent Office Account" kept by Mr. Edmunds with Coutts and Co. cannot be regarded as embezzled by him, however culpable his conduct in not paying it into the Exchequer may have been. The residue, which was from time to time withdrawn from or not paid into this account, must (we think) be held to have been fraudulently applied by Mr. Edmunds to his own use and benefit, within the meaning of the Statutes above mentioned.

"(B.) The sum of 3,033*l.* 16*s.*, being the aggregate of sums taken out of the monies received in the office to pay for the skins on which the patents were engrossed, and for the engrossments thereon, at the rate of 12*s.* 10*d.* per skin. Messrs. Greenwood and Hindmarch assume that the outlay on these skins and engrossments clearly comes within the category of those expenses incident to the performance of the duties of the office of Clerk of the Patents which under the 6th section of 3 & 4 W. 4. c. 84. are covered by the salary of 400*l.* per annum allowed to that officer. We cannot, however, say that we are entirely satisfied of the correctness in point of law of this conclusion, and we are at all events of opinion that the retention of these sums for this purpose cannot be regarded as an act of embezzlement capable of being made the foundation of criminal proceedings under the Statutes above mentioned.

"(C.) The sum of 5,131*l.* 13*s.*, 6*d.* being the aggregate of discounts on stamps purchased with public money. There cannot, we think, be any doubt as to the liability in equity of Mr. Edmunds and Mr. Ruscoe for the proportions of this total sum received by them respectively, but we do not think that the discounts composing it would be held to be monies 'with the receipt, custody, management, or control of which' (in the terms of 1 & 2 Will. 4. c. 4. s. 1.) Mr. Edmunds was 'intrusted by virtue of his employment.' The words of 24 & 25 Vict. c. 96. s. 70. (which would apply to acts done since October 1861) are larger (viz., 'intrusted to or received or taken into possession by him by virtue of his employment'), but we are disposed to think that even these words would not be held applicable to the discounts in question; we are therefore by no means satisfied that a prosecution could be maintained in respect of any part of the sums making up the 5,131*l.* 13*s.* 6*d.*

"(D.) 560*l.* 7*s.* 10*d.*, being the amount of deficiencies in payments to Suitors' Fee Fund. This is an amount made up (as we collect) of many small items, as to which no particular explanations have yet been obtained from Mr. Edmunds. We are not disposed to recommend a prosecution on account of the items composing this sum, unless it were considered expedient to prosecute Mr. Edmunds on account of the larger and more flagrant defalcations included in the first-mentioned sum of 8,764*l.* 3*s.* 6*d.*

"Having thus explained our views as to the materials which exist for a criminal prosecution, the question remains whether such criminal proceedings would, under all circumstances, be proper and advisable. Upon this point it seems material to observe, that (if we are right in our own conclusions) sufficient grounds for a criminal prosecution were already apparent when Messrs. Greenwood and Hindmarch made their First Report, and that the sum of 7,872*l.* 5*s.* 6*d.* paid by Mr. Edmunds into the Exchequer in September last greatly exceeds the amount which then stood to the credit of his 'Patent Office Account' with Coutts and Co., and covers the greater part (indeed it is sufficient

in

in its absolute amount to cover the whole) of those defalcations for which, in our judgment, criminal proceedings might be taken against him. Having regard to these facts, and to the circumstances attending and subsequent to the resignation of Mr. Edmunds of his office of Clerk of the Patents and Clerk to the Commissioners, and particularly to the terms of Mr. Hamilton's letter to Mr. Edmunds of the 22d September 1864" (that is the letter authorizing the receipt of the money) "(in which he was treated rather as a debtor than as a criminal) we are not prepared to advise that criminal proceedings should be taken in this case.

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(Signed) "Roundell Palmer.
(Signed) "R. P. Collier."

"Lincoln's Inn,
"February 9, 1865."

2117. Earl of *Derby.*] Are you aware, with regard to the last item of 560*l.*, that 460*l.* odd of it have been since found to have been received by the Accountant General, and omitted by mistake from the amounts furnished by him?

I was not aware of it.

2118. Lord *Chelmsford.*] There is a supplemental Report of Messrs. Greenwood and Hindmarch stating that?

I did not know that. I do not know whether it is your Lordships' intention to examine Mr. Greenwood; but we knew what was Mr. Greenwood's opinion with respect to taking proceedings against Mr. Edmunds. Independently of the engagement taken by the Commissioners of Patents from Mr. Edmunds to pay his money over, there were other reasons, as we thought, for coming to the conclusion we arrived at, and especially this, the very important circumstance that all or the chief part of the knowledge had been extracted from Mr. Edmunds, from his own mouth, and in an inquiry which he had been himself forward, originally, in promoting.

2119. *Chairman.*] It has been stated in evidence that some communication took place between you and Mr. William Brougham upon the subject of the money being received which was tendered by Mr. Edmunds as the amount of his defalcations?

Yes. I do not know whether Mr. William Brougham stated the date of any communication of his.

2120. He said that a letter was sent on the 18th of September?

I had several letters in the course of August and September from Mr. William Brougham, and also from Lord Brougham, upon the subject of Mr. Edmunds' defalcations. The points to which those letters were addressed were these two; in the first place that his money should be received, that is to say, that he should be permitted to pay the money that was standing to his account, and which he admitted that he was bound to pay; and, secondly, with regard to the question whether there would be any difficulty in his receiving a superannuation. I have both my own letters, and those which I received. I should not like to put in the latter letters, on account of the personal references they contain. They seem to have been written under a firm belief that Mr. Edmunds was chargeable with no offence beyond that of negligence. These are my own letters, in answer to those I received. I have no objection to their being read if they are thought to be relevant. I had letters of the 15th of August from Mr. William Brougham and from Lord Brougham. Then I had a letter of the 23d of August from Mr. William Brougham.

2121. *Chairman.*] The Committee are of opinion that there is no necessity for the production of those private letters?

I have a letter from Mr. William Brougham of the 28th August, and another letter from Mr. William Brougham of the 18th of September. That letter I received on the 20th, and I had previously written to Mr. Hamilton and sent minutes to Mr. Hamilton conveying my views as to what ought to be done with regard to the securing or attaching of this money. That letter was received on September the 20th. I made merely this minute upon it: "Mr. Hamilton, what is the state of this matter?" In point of fact, when Mr. Hamilton received that minute, the question was already ripe for settlement, and was virtually settled. In consequence of the consideration of the subject, subsequent to receiving the Lord Chancellor's letter of the 12th of September, the Treasury had arrived at the conclusion that the time was come not only for securing the money, or attaching it, which had been the first object in our mind, but for receiving it. Consequently, this conclusion having been arrived at before Mr. William Brougham's letter was written, that letter had no connexion whatever with the fact of the receipt of the

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money; but it happened to come at a period subsequent to the time when we had determined that it was right that it should be received.

2122. Have you anything more that you can state which you think is desirable for our information?

I am not aware of anything more. There is some later correspondence. I do not know whether it is important. There are later letters that relate to this case, since the facts have become public. There was some correspondence between the Lord Chancellor and the Treasury, which probably had better be put in. I do not know that the letters are so material as to need that they should be read at present.

2123. Lord *Taunton.*] We have had under our consideration the propriety of a public officer's purchasing stamps, and deriving a profit from the discount upon such purchases. Can you state to the Committee what you believe to be the usual practice in offices in that respect?

The practice with regard to stamps would be best stated of course by some one from Somerset House. Discount upon stamps, as your Lordships know, is allowed in certain cases, and in point of fact is directed by the Revenue Department as the cheapest and simplest method of promoting the circulation of stamps, and of securing to the public a proper supply of them in different parts of the country; but it is certainly quite new to me (there are others here who will be able to speak with greater experience) that any public officer in the receipt of a salary, at least if he belong to any of the administrative departments, should increase his emoluments by discounts upon the sale of stamps.

2124. Would you draw a distinction between purchasers of that kind being made by public money and by the private money of the purchaser?

My objection would be even against such purchases made with private money, unless by express authority. If they were made with public money, it would be, I think, a further enhancement, not to say aggravation of the case.

2125. (*To Mr. Hamilton.*) Can you state what is the practice of the offices in that respect. I think Mr. Edmunds stated that he had the sanction of the Commissioners of Inland Revenue for such a practice. Do you think that can be the case?

I cannot imagine that any public officer could be warranted, without express authority, in charging discount in that way.

2126. You think he would not be warranted in doing so?

I cannot imagine that any public officer would be justified in profiting by discount, unless he did so under a rule of the Inland Revenue.

2127. Earl of *Clarendon.*] I think we have it in evidence that Mr. Edmunds stated that he had had a communication with the officers of the Inland Revenue, and that they had considered that the practice was usual, and that he was not blameable for it?

I am not aware of that.

2128. Lord *Taunton.*] Should you think that it would make a very great difference whether it was done with public money or the private funds of the individuals; supposing such a practice to exist?

I should think that any trading, or any deriving of profit from the use of public money, is malversation of the gravest character.

The Chancellor of the Exchequer.—Whoever may be responsible in the matter, I think the Commissioners of Stamps are not responsible. I think they had no discretion. I believe, if I present myself at the Office of Stamps, and ask for a certain amount of stamps, the Commissioners of Stamps are bound by law to give me that amount, and allow me a discount upon it. They have no discretion in the matter.

Mr. Hamilton.—As regards the practice of receiving discounts, Mr. Edmunds belonging to a class of law or chancery officers, it is difficult to know what the practice in his case may be, because different rules may prevail in the case of such officers.

Mr. Arbuthnot.—Mr. Edmunds, in rendering his account, ought to render the account of what he paid for stamps out of public monies, and if in doing so he said that he paid more than he did pay it would be a false account.

2129. Earl of *Derby.*] (*To the Chancellor of the Exchequer.*) I do not suppose that anybody can give us more information with regard to the audit of accounts and the checks than you have done. I had a note the other day sent to me to say that the Secretary to the Audit Office would give us useful information as to how it arose that these things were not discovered?

According to my view, the explanation is on the face of the Act of Parliament. I do not think the Exchequer had any power. The officers of the Exchequer might have had that power given them; but I do not think they had any more power than the Treasury. It is very absurd to expect the audit from the Lord Chancellor; he has other things to do.

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2130. Viscount *Hutchinson.*] At the time when these defalcations of Mr. Edmunds, as Clerk of the Patents (I allude to him particularly in his capacity as Clerk of the Patents), came first under your observation, did the Treasury make any remonstrance with the Audit Office as to their not having discovered this defalcation sooner, or their not having checked it?

No; none whatever. I do not believe that the Audit Office had any power. I do not imagine that that office is invested with any general power of drawing into its net any public accounts whatever. I believe a special direction is required.

2131. (*To Mr. Arbuthnot.*) Can you tell the Committee whether any such remonstrance was made?

The Commissioners of Audit had no power whatever in respect of the accounts of the Clerk of the Patents; they examined the accounts of the Clerk to the Commissioners of Patents.

2132. Do I rightly understand that there was no remonstrance addressed by the Treasury to the Audit Board on the subject of those defalcations not having been discovered sooner?

The Audit Board had nothing whatever to do with it.

Mr. Hamilton.—They could not have discovered it; they had no knowledge of the receipts or payments; it did not come before them in any capacity.

2133. (*To Mr. Arbuthnot.*) I asked whether any remonstrance had been made by the Treasury?

No; no remonstrance was made, for the reason stated.

2134. *Chairman.*] Would you be so good as to put in the whole of the correspondence between the Treasury and the Commissioners of Patents upon the case?

Yes.

2135. And with the Commissioners of Audit?

Yes.

2136. And with the Lord Chancellor?

Yes.

2137. Lord *Stanley of Alderley.*] In fact all the official correspondence?

Yes; I will hand in all the papers relating to it.

The same are handed in, and are as follows:

Treasury Minute of 28 *September*, 1852.

"My Lords have before them the Act of the last Session of Parliament (15 and 16 Vict. c. 83.) "for amending the Law for granting Patents for Inventions," which comes into operation on the 1st October 1852.

"By the 48th section of the Act, it shall be lawful for the Commissioners of Her Majesty's Treasury from time to time to allow such fees to the law officers and their clerks, for duties in respect of which no fees are payable under the Schedule of the Act, as the Lord Chancellor and Master of the Rolls may from time to time appoint, and to allow such salaries to any clerks and officers as the said Commissioners may think fit.

"Write, therefore, to the Lord Chancellor, drawing his attention to the Act alluded to, and request that his Lordship will state whether any and what fees should be payable to the law officers and their clerks under the provisions of the 48th section, and to what clerks and officers appointed under the Act, any salary or payment should be allowed.

"Request also that the Lord Chancellor will state, with reference to the 4th section of the Statute, whether it is wished that their Lordships should interfere in providing any offices for the purposes of the Act.

"And add that their Lordships will be glad to be informed what steps it is intended to take for carrying into effect the 46th section of the Statute, to have the payment of the fees set forth in the Schedules into the Exchequer to be carried to the Consolidated Fund.

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Mr. G. A. Hamilton.
Mr. G. Arbuthnot.

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" Audit Office, Somerset House, London, W.C.
" My Lords, 20th April 1863.

" We transmit for the consideration of your Lordships the states of the accounts of Mr. Edmunds, as Clerk of the Patents, in respect of the Patent Office, for the years ending the 31st December 1860 and 1861 respectively.

" We at the same time beg to refer your Lordships to our Report, No. 378, of the 27th October 1862, by which we transmitted the account for the year 1859.

" In that Report we called attention to the absence of your Lordships' authority for nearly the whole of the expenditure, although such authority is necessary, with reference to the provisions of the 15th and 16th Victoria, Cap. 83.

" Your Lordships will perceive that we have been under the necessity, in consequence of a like absence of authority, to disallow, with the exception of two items, the whole of the expenditure included in the accounts now forwarded.

" Your Lordships were pleased, in respect of the prior account, to supply the want of authority by your warrant on the account.

" The expenditure in the accounts now under consideration is for the most part of a like description, and should your Lordships be disposed to adopt a similar course in the present case, the sum to be included in your Lordships' warrant on the account for 1861 will be 11,570*l.* 13*s.* 10*d.* From this amount we have excluded a sum of 22*l.* 4*s.* 6*d.*, salary paid to an extra clerk, which payment, in addition to the want of authority, is also open to the objection that a certificate of qualification was not obtained from the Civil Service Commissioners. At the same time we submit that the practice of thus incurring expenditure without the production of the authority prescribed by the legislature is open to serious objection. We have on several occasions called the attention of the accountant to the provisions of the above quoted Act and we submit whether your Lordships should not cause a communication to be made to Mr. Edmunds, with a view to his obtaining your Lordships' directions as to what description of expenditure (such as ordinary incidental payments) he may be at liberty to incur, under a general authority from your Lordships, and as to the class of expenditure for which your special authority is necessary. We have further to observe, that from a reply to an inquiry from this office it appears that the accountant deposits the public monies in his hands in the Union Bank. We are not aware whether this arrangement has received the sanction of your Lordships, or whether the accountant has been called upon to give security. We take this opportunity of referring to our Report, No. 436, of 18th December 1862, in which we submitted for your Lordships' approval the form in which it appeared to us the accounts of the Patent Office and of the Museum of Patents should in future be rendered.

" Also to our Report, No. 72., of 13th February 1863, in which we brought under the notice of your Lordships the defalcations which had taken place in respect of monies received in respect of sales of copies of specifications.

" We have in conclusion to remark, that the audit of these accounts has been much delayed from the difficulty we have experienced in dealing with them, and in obtaining replies to our queries.

" We have the honour to be,
" My Lords,
" Your Lordships most obedient servants,
EDWD. ROMILLY.
HENRY ARBUTHNOT."

" The Lords Commissioners of
" Her Majesty's Treasury,
&c. &c.

Treasury Minute on the above.

" Transmit copy of this Report to the Clerk of the Patents, and state that my Lords concur with the Commissioners in opinion that it is desirable that some arrangement should be made with regard to such expenses as should be incurred under general or under special authority of this Board.

" Request that he will communicate his views to my Lords on this subject, and as to the mode of rendering his accounts referred to in the letter from this department of 24th December 1862, to which no reply has been received.

" 18th May 1863.

" Audit Office, Somerset House, London, W.C.,
" My Lords, 8th July 1863.

" We beg leave to transmit the states of the accounts of Mr. Edmunds, in respect of the Museum of Patents for the years 1860-61 and 1862-63. Your Lordships will

will perceive that, in the absence of any authority in support of the accounts, we have disallowed the whole of the expenditure claimed credit for.

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" The amount disallowed on this ground alone is 1,833*l.* 4*s.*, and should your Lordships be pleased to relieve the accountant from responsibility in respect thereof, in accordance with the course taken by your Lordships on the preceding account, we submit that directions for the allowance of the said sum of 1,833*l.* 4*s.* should be given in your Lordships' warrant in the accounts 1861–62.

" We, at the same time, submit whether instructions should not be given to the accountant for his guidance as to the authority under which the expenditure is to be defrayed in future.

" We have the honour to be,
" My Lords,
" Your Lordships' most obedient servants,
" Edward Romilly.
" To the Lords Commissioners of Henry Arbuthnot."
" Her Majesty's Treasury,
" &c. &c. &c."

" My Lord and Gentlemen, Treasury Chambers, 5th November 1863.

" I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you that the attention of this Board has been called by the Commissioners of Audit to certain circumstances connected with defalcations on the part of Mr. Smith, late a clerk in the Patent Office, in respect of sums received by him for the sale of specifications; and as it appeared that the matter had, at your desire, been made the subject of investigation by Mr. Greenwood, the Assistant Solicitor to this Board, my Lords considered it their duty to call on that officer for a Report on the case, and he has accordingly submitted to them a copy of the Report which was forwarded by him to you in January last.

(Repetition of Minute, page 246).

" As it seems that the whole amount of the defalcations, so far as they could be ascertained, with the exception of a comparatively small sum, has been made good, and that Mr. Smith has now for some time ceased to be employed in the Patent Office, my Lords concur in opinion with Mr. Greenwood that no advantage will be derived by prosecuting him for the outstanding amount.

" My Lords are persuaded that you concur in the opinion they have formed as to the very reprehensible state of things in the Patent Office which has been disclosed by the investigation of Mr. Greenwood; a considerable sum of public money is embezzled by a junior clerk intrusted with the receipt of it. Apparently to prevent exposure or detection Mr. Smith's superior officers in the department, Messrs. Duffield and Woodcroft, enter into pecuniary transactions with the defaulter, and with their aid the amount required is raised on a mortgage of the defaulter's property, Mr. Duffield appearing to be the lender. The Clerk of the Patents, though aware of the default, makes no communication to their Lordships, nor, so far as my Lords are aware, to you; and although the greater part of the sum in default was paid to Mr. Edmunds in May 1861, the full sum so paid to him was not brought to the public credit until October 1862, and the default in the office is ultimately made known to you only by a letter addressed by a clerk, Mr. Prior, to the Lord Chancellor, in August 1862.

My Lords cannot but view with extreme dissatisfaction the culpable neglect on the part of Mr. Duffield, Mr. Smith's immediate superior, of the duty of inspecting the account which was kept of the transactions of sales of specifications, and his remissness in not investigating the whole matter on the first intimation of the defalcations being made to him; nor can they overlook the course adopted by the Clerk of the Patents, both in rendering the account of sales for the half year ending 30th June 1861, and in keeping back the large balance of 399*l.* 7*s.* 4*d.* from May 1861 to October 1862, and also in abstaining from making any report whatever on the subject.

" My Lords feel convinced that immediate measures were taken by you on the receipt of Mr. Greenwood's Report to prevent recurrence of the negligence which had led to such an unfortunate result; but as they have received no communication from you on the subject, their Lordships feel that they would not be justified any longer in not requesting that you will inform them of any proceedings on your part having for their object to impose more efficient checks for the future, and of the notice you have taken or may propose to take of the conduct of the several officers concerned.

" I am, &c.
" To the Commissioners of Patents. (Signed) F. Peel."

The Right Hon. W. E. Gladstone. Mr. G. A. Hamilton. Mr. G. Arbuthnot.

27th Mar. 1865.

"Audit Office, Somerset House, London, W.C.,
"My Lords, 15th February 1864

"We beg leave to advert to our Report, No. 146, dated 20th April 1863, and No. 254, dated 8th July 1863, transmitting the states of the accounts of Mr. Edmunds, Clerk of the Patents, in respect of the Patent Office for the years ending 31st December 1860 and 1861 respectively; and of his accounts in respect of the Museum of Patents for the years 1860–1 and 1861–2, with observations relative to the disallowances therein; also to our Report, No. 264, dated 15th July 1863, in answer to Mr. Peel's letter of 9th July 1863.

"The joint account of the Patent Office and the Museum of Patents to 31st March 1863 is now ready for audit. We beg leave to submit that your Lordships' decisions on the previous accounts, and on our Report of the 15th July, above referred to, would serve as a guide to us in stating the future accounts for this service.

"We have the honour to be,
"My Lords,
"Your Lordships' most obedient servants,
"Edward Romilly."
Henry Arbuthnot.

"To the Lords Commissioners of
"Her Majesty's Treasury,
"&c. &c. &c."

Treasury Minute on the above.

"February 1864.

"Prepare Warrant (4) sanctioning the disallowances in the accounts of the Clerk of the Patents, submitted in the Reports from the Commissioners of Audit of 20th April, 28 July 1863.

"Write to the Commissioners of Audit, that circumstances have arisen which have precluded my Lords from coming to a decision with regard to the various questions referred to in the Commissioners' Reports; but as it would appear from their further Report of 15th instant that the accounts for the year ended 31st March 1863 are ready for audit, my Lords are not disposed to withhold their sanction for any charges in those accounts similar to those which have been hitherto disallowed by the Commissioners of Audit, for which provision was made in the estimates of the Patent Office for that year.

"Write to the Commissioners of Patents, and, referring to the letter from this department of 5th of November on the subject of the defalcations of Mr. Smith, late a clerk in their office, request that my Lords may be informed whether the Commissioners have taken any measures to prevent the recurrence of the very unsatisfactory state of things which formed the subject of that letter.

"My Lords would also bring to the notice of the Commissioners the letter from this department of 20th May last, to the Clerk of the Patents, on the subject of his accounts, with more especial reference to the possibility of some distinction being made between ordinary payments, under the head of incidental expenses, which might be incurred under a general authority, and special payments, which should in the first instance be submitted for the approval of this Board.

"The reply of the Clerk of the Patents contained no suggestion as to such an arrangement, but merely requested that the sanction of this Board should be given for such expenditure under this head, as might be submitted in the annual estimate for the office.

"My Lords observe that the greater part of these expenses are regulated by certain rates which have been in force for a considerable period; but they would suggest to the Commissioners whether the time may not have arrived for the revision of these rates, and would at the same time request that they may be favoured with the observations of the Commissioners generally on the subject, with the view to the issue of such instructions to the Commissioners of Audit as may guide them in the future examination of the accounts of the Patent Office."

"Sir, April 25th, 1864.

"I am directed by the Lord Chancellor to state to you, for the information of the Lords Commissioners of Her Majesty's Treasury, that his Lordship's attention, and that of the other Commissioners of Patents, has been for some time directed to the state of confusion and disorganization at present prevailing in the Patent Office.

"Two of the principal officers have brought a series of grave charges against each other; and it is impossible for the Lord Chancellor and the other Commissioners, in consequence

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consequence of their other grave and important duties, to give the time necessary for a proper investigation of these charges, and the other matters affecting the despatch of business in the office.

"Under these circumstances, the Commissioners of Patents have arrived at the conclusion that it will be most conducive to the interests of the public service that such an inquiry should be conducted by two gentlemen in whom they place confidence, and they have selected Mr. Greenwood, the Solicitor to the Treasury, and Mr. Hindmarch, Q.C., for that purpose.

"I am therefore to request that you will obtain the sanction of the Lords Commissioners of Her Majesty's Treasury to the employment of Mr. Greenwood on that service; and I am to suggest that a sum not exceeding two hundred guineas, to be charged upon the fees accruing from the Patent Office, should be allowed in payment of the expenses of the inquiry.

"I have the honour to be,
"Sir,
"Your obedient servant,
"P. B. Pepys,
"Principal Secretary."

Treasury Minute on the above.

"Write to the Lord Chancellor and Mr. Greenwood."

"29 April 1864.

"Write to the Lord Chancellor that my Lords will not object to the employment of Mr. Greenwood on the proposed inquiry; and their Lordships will be ready to issue such sum as may be necessary to defray the expenses of the inquiry, on being apprised of what these expenses consist. It appears, however, to their Lordships, that as the fees are directed by the 46th section of the Act 15 and 16 Victoria, chapter 83, to be paid into the receipt of the Exchequer, and carried to the Consolidated Fund, it will not be possible to charge the expenses on the fees, but that it will be necessary that provision should be made by Parliament for the sum which will be required.

"Write to Mr. Greenwood, that having received a letter from the Lord Chancellor, requesting that their Lordships will sanction his employment, in conjunction with Mr. Hindmarch, on this inquiry, my Lords have replied that they have no objection to the arrangement proposed."

"Audit Office, Somerset House, London, W.C.,
"My Lords, 28th July 1864.

"We have the honour to state that the following disallowances and surcharge have been made in the accounts of Mr. Edmunds, Clerk of the Patents, in respect of the Patent Office and the Museum of Patents, which remain unadjusted, viz.:—

"9*l.* 17*s.* 6*d.* for certified copies of specifications supplied to the Admiralty, and which sum should have been recovered from that department.

"10*l.* 13. 7*d.*, a surcharge, being the amount received in 1859, from the Paymaster General, by Mr. Edmunds, in excess of the amount due to him.

"76*l.* 1*s.* 7*d.* and 3*l.* 0*s.* 0*d.* } Disallowed for want of vouchers and particulars.

"We have, on more than one occasion, called the attention of Mr. Edmunds to these disallowances and surcharge, but he has not given any reply to our communications; and we have therefore thought it right to report the circumstances, for any directions which your Lordships may think proper to give.

"We have the honour to be,
"My Lords,
"Your Lordships' most obedient Servants,
"R. Vaughan Davis.
"The Lords Commissioners of Her Majesty's Treasury, &c. &c. &c." W. L. Maberley.

"*Treasury Minute, October 28th*, 1864.

"Transmit this letter and its enclosure to the Solicitor, with reference to previous correspondence on the subject.

"Observe that in Mr. L. Edmunds' letter of the 23d September 1864 he proposed to pay to the Exchequer the sum of 7,872*l.* 5*s.* 6*d.* on account of fees received in the

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Patent Office, under the provisions of the Act 3 and 4 Will. 4. c. 84., and that sum has accordingly been paid by him. It might be assumed that he had some data by which he arrived at the specific sum as the amount due by him, but the accounts now furnished appear to apply only to sums amounting together to 5,581*l.* 10*s.*

"Referring to the letter to the Solicitor of instant, my Lords would be glad to be informed of the course which he would recommend for the purpose of procuring a verified account of the fees for which Mr. Edmunds is accountable."

Treasury Minute of September 1864.

"My Lords have under their consideration the Preliminary Report of Mr. Greenwood and Mr. Hindmarch, the Committee appointed to inquire into the manner of conducting business in the Patent Office proper, and the office of the Commissioners of Patents.

(See Answer, page 250.)

"The investigation being as yet incomplete, my Lords forbear expressing any opinion respecting much of the matter contained in the Report; but it is an imperative duty on the part of their Lordships to call immediate attention to the following statements made by the Committee of Inquiry:—

"1.—They state (page 34), 'In consequence of the irregularities in the accounts and in the payments by Mr. Edmunds into the Exchequer, we have been hitherto unable to ascertain the exact amount of his defalcations; but we have clearly ascertained that none of the sums which have been payable to the Consolidated Fund since Mr. Edmunds' last payment, on 9th August 1852, have been paid by him, although he has received the whole of them. These sums amount in the whole to 2,681*l.* 19*s.* 2*d.*'

"2.—Mr. Edmunds, it appears, has for many years kept a Patent Office Account at the bank of Messrs. Coutts and Company, besides a private account there (page 9). The Committee of Inquiry (page 11) state that the 'Patent Office Account consists entirely of monies received for fees and stamps in *one* or other of the branches of Mr. Edmunds' office, viz., in the Patent Office proper, or in the office of the Commissioners of Patents, and of monies advanced *to* Mr. Edmunds half-yearly by the Treasury upon his requisition for the current expenses of the Commissioners' office.'

"They state elsewhere (page 36), 'Mr. Edmunds has frequently drawn considerable sums of money out of the Patent Office Account at Coutts' for his private use, and at one period he obtained sums of money from that account amounting to about 600*l.* a year.'

"These sums appear to have been transferred to his private account, and they were duly debited to him in the Patent Office pass book. From time to time he has promised to give in some explanation of the items relating to these sums, and other entries in the pass book, but up to this time he has offered us none. The pass book shows a balance in his favour of 4,896*l.* 4*s.* 11*d.* on 14 May 1864.

"They add (page 37), 'Mr. Edmunds admits the balance of the accounts above mentioned is all public money, and we think it very probable that further investigation will show that other, if not larger sums, are due from him to Her Majesty. He has stated his intention to pay the present balance to the Consolidated Fund.

"It appears from the foregoing statement that the balance of 4,896*l.* 4*s.* 11*d.*, which on the 14th May last stood to the credit of the Patent Office Account, was made up partly of sums received by Mr. Edmunds as Clerk of the Patents, and partly of sums received by him as Clerk to the Commissioners of Patents; that the whole of this is admitted by him to have been public money; that he has the power of drawing it, and that he has at times drawn considerable sums from it for his own private use; that a sum of at least 2,681*l.* 19*s.* 2*d.* is due by him to the Consolidated Fund; and that the Committee of Inquiry consider it probable that, on further investigation, other and larger sums will be found due to Her Majesty.

"Under these circumstances, the Board consider it necessary to submit these statements to the immediate consideration of the Lord Chancellor and the Commissioners of Patents, and to request that whatever may be the proper steps may be taken to guard the Exchequer against any loss pending the further prosecution of the inquiry."

"Sir, Private Room, Lincoln's Inn, 4th November 1864.

"I beg to inform you that Christopher Baldock Cardew, Esq., was appointed by Her Majesty Clerk of the Patents on the 5th day of August 1864, and that such appointment was subsequently duly gazetted.

"I am, Sir,
"Your obedient servant,
AUGUSTUS B. ABRAHAM."

"G. A. Hamilton, Esq.

Treasury

Treasury Minute on the above.

The Right Hon. W. E. Gladstone. Mr. G. A. Hamilton. Mr. G. Arbuthnot.

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" My Lords refer to the Act 3 and 4 Will. 4., cap. 84., by the 3d section of which it is enacted that it shall be lawful for Her Majesty to nominate and appoint a fit person to be Clerk of the Patents, and by the 4th section it is provided that there shall be paid to the Clerk of the Patents a yearly salary of 400*l.*

" Read letter from the Secretary to the Lord Chancellor, notifying that Christopher Baldock Cardew, Esq., had been appointed by Her Majesty Clerk of the Patents on the 5th August 1864.

" Let the necessary steps be taken for charging upon the Consolidated Fund the said salary of 400*l.*, and let the same be issued to Mr. Cardew from 5th August inclusive.

" Acquaint Mr. Abraham."

" Sir, Treasury, 17th November 1864.

" Referring to a letter of the 19th August, from this office, transmitting to their Lordships a copy of the Preliminary Report of Mr. Hindmarch and myself, dated 12th July 1864, relating to the accounts of Mr. Edmunds, I have now the honour to transmit, for the further information of their Lordships, a statement dated 20th September 1864, made to the Lord Chancellor by Mr. Edmunds in answer to the above-mentioned Report.

" The Lord Chancellor requested Mr. Hindmarch and myself to make our observations upon this statement, and such observations have been accordingly sent to his Lordship from each of us.

" I beg to forward copies herewith.

" I am, Sir,
" Your obedient servant,
" The Secretary, Treasury. JOHN GREENWOOD."

" Sir, Patent Office, 9th December 1864.

" Their Lordships having been good enough to communicate to us that Mr. Edmunds had in September last paid into the Exchequer, to the account of the Consolidated Fund, a sum of 7,872*l.* 5*s.* 6*d.*, we have respectfully to request that their Lordships will be pleased to call upon Mr. Edmunds to show how such sum is made up, and to furnish particulars of the several sums comprised in such account, with dates.

" Such explanation is calculated to throw great light upon the inquiries which we are at present making, and without it we are unable to ascertain what particular sums withheld by Mr. Edmunds may be covered by such payment.

" We have the honour to be,
" Sir,
" Your most obedient servants,
JOHN GREENWOOD.
" The Secretary, Treasury. WM. HINDMARCH."

Treasury Minute on the above, 13*th December* 1864.

" Write to Mr. Edmunds, and request that my Lords may be furnished without delay with a statement showing the several sums of which the total amount of 7,872*l.* 5*s.* 6*d.* is composed which was paid by him into the Exchequer on September last, on account of fees received in the Patent Office, under the Provisions of the Act 3 and 4 William 4, c. 84, with particulars and date of each item."

" Sir, 23d December 1864.

" In acknowledging your letter of the 13th instant, I have the honour to enclose a statement of the receipts by me on account of fees in the Great Seal Patent Office from the 24th of August 1833 to the 31st March 1864, together with an account of the payments made by me into Her Majesty's Exchequer on account of such receipts.

" I have the honour to remain,
" Sir,
" Your most obedient servant,
" G. A. Hamilton, Esq., &c. &c. L. EDMUNDS."

Treasury Minute to the above.

" Write to Mr. Edmunds, acknowledging the receipt of the account of the fees received, &c. &c., enclosed in this letter, and observe that this account does not afford the information

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mation with which my Lords desired that they might be furnished in the letter addressed to him on the 13th instant.

"Request, therefore, that he will forthwith forward to my Lords a statement showing how the sum of 7,872*l.* 5*s.* 6*d.* was made up, which was paid by him into the Exchequer in September last, and particulars of the several sums comprised therein, with dates."

Treasury Minute, 24th December 1864.

"Write to the Commissioners of Patents, with reference to the 5th clause of the 15 and 16 Victoria, chapter 83, and also with reference to the inquiry which is now being carried on by Messrs. Greenwood and Hindmarch, into the conduct of the business of the Patent Office, and state that my Lords trust that the Commissioners will agree as to the expediency of not taking any steps for filling up the existing vacancy in the office of Clerk to the Commissioners of Patents until full opportunity shall have been afforded for considering and settling any questions which may arise out of the Report of those gentlemen bearing upon the appointment in question."

"Messrs. Lemans,

"Sir, 51 Lincoln's Inn Fields, 31st December 1864.

"I have the honour to enclose copies of my answers, addressed to the Lord Chancellor, of the 20th September and 17th of December last, to the Reports of Messrs. Greenwood and Hindmarch, as also copies of several letters that have lately passed between Mr. Leman on my part and Messrs. Greenwood and Hindmarch.

"In reading these answers and letters (which I beg leave earnestly to request) you will be able fully to understand my reasons for declining, as at present advised, to attend the summons of Messrs. Greenwood and Hindmarch, and to submit to be tried and condemned a second time by them.

"I have nothing to conceal or to evade on any questions that have arisen or may hereafter arise on my accounts in the Patent Office. My intention has ever been to meet all questions openly and candidly, vivâ voce, or in any other manner or form to be prescribed or ordered by Her Majesty's Treasury.

"If I had at any time been informed that Messrs. Greenwood and Hindmarch had been directed or authorized by Her Majesty's Treasury to summon me to attend their tribunal, I should have done so, and notwithstanding the strong opinion and feeling I entertain of the extreme harshness and injustice of their previous proceedings, coupled with their refusal of all information as to the authority under which they act. Messrs. Greenwood and Hindmarch state in the first paragraph of their letter of the 24th instant (copy enclosed), 'that large sums of money are still in my hands belonging to the public.'

"I distinctly declare that this allegation is not true. I have no public money in my hands. I have paid over to Her Majesty's Exchequer every farthing received by me in the Patent Office on account of fees payable to the Consolidated Fund within the whole thirty-one years, 1833 to 1864. I have paid over to every other public fund every farthing received by me on account of such public fund within the same period.

"Other questions are raised in the same letter (24th instant). I am prepared to meet all such questions whenever called upon so to do, and I request to be heard by Her Majesty's Treasury in explanation or defence, if defence be required.

"My principal object, however, in troubling you with this letter is to show that, in declining to attend Messrs. Greenwood and Hindmarch, I am neither seeking delay or evading inquiry or explanations.

"I object, for the reasons assigned in the copies of letters and answers herewith sent, to appear before any tribunal conducted by Messrs. Greenwood and Hindmarch, unless I am ordered by competent authority so to do.

"I have the honour to remain,

"Sir,

"Your most obedient servant,

"G. A. Hamilton, Esq. L. Edmunds."

&c. &c. &c.

"Sir, Treasury, 10th February 1865.

"I have the honour to forward to you, for the consideration of the Lords of Her Majesty's Treasury, the Report of Mr. Hindmarch and myself upon the return, dated 24th October, made by Mr. Edmunds to their Lordships, and which their Lordships were good enough to transmit to us.

"I send

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"I send back herewith Mr. Edmunds' return of the 24th of October (original), together with the documents referred to in our present Report; namely,

"1st. Our Second Report to the Lord Chancellor and the Commissioners of Patents (relating to Mr. Edmunds' conduct and accounts, and Mr. Ruscoe's), dated 31st January 1865 (together with a copy):

"2d. The shorthand notes of our inquiry (with the exception of our first four sittings, at which no shorthand writer was present):

"3d. The detailed accounts (which we have had compiled from the books at the Patent Office) of the fees received by Mr. Edmunds:

"4th. A copy of the above-mentioned return (of 24th October 1864) by Mr. Edmunds to their Lordships; to which we have added corrections in red ink, showing the forty-one patents omitted by him in his return, and the true amount of the fees (exceeding the amount returned by him by 1,538*l.* 15*s.* 11*d.*)

"I am, Sir,

"Your obedient servant,

"The Secretary, Treasury. JOHN GREENWOOD."

Treasury Minute, 6th March 1865.

"Write to the Lord Chancellor and to the Commissioners of Patents respectively, with reference to the several Reports of Mr. Greenwood and Mr. Hindmarch, copies of which have been communicated to this Board, on the subject of Mr. Leonard Edmunds' defalcations as Clerk of the Patents and Clerk to the Commissioners of Patents; and observing that by the Second of those Reports there appears to be a sum exceeding 9,000*l.* still due by Mr. Edmunds to the public. State that my Lords would be glad to be favoured with the opinion of the Lord Chancellor and the Commissioners as to the proceedings which should be taken on the subject. Observe that with reference to that part of this defalcation which would appear to have been incurred by Mr. Edmunds in his capacity of Clerk of the Patents, it will be observed, on reference to the 7th section of the Act 3 & 4 Will. 4. c. 84., that no authority is vested in the Lords Commissioners of the Treasury in regard to the accountability of the Clerk of the Patents for fees, and in respect of the deductions from public monies by way of discount for stamps sold by Mr. Edmunds. The question of the proper course of proceeding to be adopted would be primarily for the consideration of the Commissioners, whose servant the delinquent was.

"Observe that this Board will be quite ready to act in co-operation with the Lord Chancellor and the Commissioners in this matter, and their only object in the present communication is to put the matter into the proper train for action."

"Sir, 9th March 1865.

"I am directed by the Lord Chancellor to acknowledge the receipt of your letter of the 6th instant, and in reply to refer the Lords Commissioners of Her Majesty's Treasury to the letter of the 12th September 1864, addressed by me to Mr. Frederick Peel, wherein his Lordship pointed out the mode of ascertaining, by returns from the Crown Office, the amount actually due from Mr. Edmunds, and the mode of charging interest, and in which he recommended their Lordships to consult the law officers of the Crown.

"His Lordship again suggests that the Lords of the Treasury should lay a case before the law officers as to the proceedings which should be taken in reference to the sum of 9,000*l.* and upwards appearing by the Report to be still due by Mr. Edmunds.

"With regard to the other matters of your letter, submitted for the consideration of the Commissioners of Patents, I am directed to say that the same shall be laid before the Commissioners, and that any answer that may be necessary thereto shall be returned as soon as the Commissioners can hold a meeting.

"I have the honour to be,

"Sir,

"Your obedient servant,

"G. A. Hamilton, Esq., &c. &c. AUGUSTUS B. ABRAHAM, Principal Secretary."

Treasury Minute, March 14, 1864.

"Transmit to the Solicitor a copy of the Minute of this Board of 20th August (12,361), of the letter from the Lord Chancellor's Principal Secretary of 12th September to Mr. Peel, of the Minute of this Board of 6th March (2,588), and of the letter of the Lord Chancellor's Principal Secretary of 9th March (4041). State that it seems

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very desirable that proper steps should be taken for the recovery of any balance which may be due by Mr. L. Edmunds to the public, either in his capacity of Clerk of the Patents or Clerk to the Commissioners of Patents. My Lords request that the opinion of the law officers of the Crown may be taken on the subject generally, and more especially with reference to the circumstance of Mr. Edmunds, as Clerk of the Patents, being an officer of the Court of Chancery (see Acts 2 & 3 Wm. 4. c. 3., 3 & 4 Wm. 4. c. 84.), and as Clerk of the Commissioners of Patents, being an officer of the Commission (see Act 15 & 16 Vict. c. 83.), the proceedings should emanate from those authorities, or from the Board, and if with this Board what proceedings they would recommend to be instituted."

The witnesses are directed to withdraw.

Mr. J. F. Miller.

Mr. JOHN FISHER MILLER is called in; and having been sworn, is examined as follows:

2138. *Chairman.*] I believe you are Chief Registrar of the Court of Bankruptcy?
I am.

2139. Certain letters or extracts from letters of yours have been given in evidence by Mr. Leonard Edmunds, one dated the 24th of October 1864, directed by you to Mr. Edmunds, and another dated the 26th of October 1864 to Mr. Leman. Do you recollect those letters?
I recollect writing several letters from Brougham about that time.

2140. What authority had you from Mr. William Brougham to write those letters?
Before I left town Mr. Edmunds had called upon me, and told me that the original mortgage deed and deed of assignment had been lost, and he begged of me to make a search for it. I told him if it was at Brougham it would be found. Mr. Leman also told me that he believed it had been sent down in mistake some years before; that instead of being put away in Mr. Edmunds' box it had been put away in Lord Brougham's box, and that in that way it had got down to Brougham. I said, "If that is so, it will be found at Brougham." I undertook to make a search for it, and I did make a search for it, and found it, and having found the deed, Mr. Brougham and I went over it, and he told me that this was the first glimmer he had of the real nature of the transaction with Mr. Edmunds.

2141. Was that in October?
It was in October.

2142. Was it not in July? Are you sure?
No; in October.

2143. Earl of *Clarendon.*] October of last year?
Yes, 1864.

2144. *Chairman.*] Were the letters you wrote to Mr. Leman written in concert with or in any way authorized by Mr. William Brougham?
Mr. Brougham and I talked the matter over very much. I had his authority for endeavouring to come to terms with Mr. Edmunds.

2145. Had he cognizance of the terms which you proposed to offer?
I do not think I had explained precisely the offers I made until some days after they were made. I do not think I did so, for this reason, that Mr. Brougham had occasion to go to Carlisle, and I think he was absent for two or three days, and in the meantime I wrote two, I think, of those letters to Mr. Edmunds.

2146. Lord *Chelmsford.*] I suppose you communicated to Mr. William Brougham all that you had done on his behalf subsequently?
No doubt, before I left Brougham, I communicated everything I had done. I think those letters were addressed to Mr. Edmunds. There may have been letters to Mr. Leman, however.

2147. You addressed one of your letters to Mr. Edmunds, but you received answers to both those letters from Mr. Leman?
I think I received one letter from Mr. Edmunds. I would not like to swear to that.

2148. Earl of *Derby.*] At page 156 there are two letters from Mr. Leman to Mr. Miller?
Yes; I believe that is perfectly correct. The answers were from Mr. Leman.

2149. Duke of *Somerset.*] You were confidentially employed by Mr. William Brougham, were you not, in the communications with Mr. Edmunds?
Quite so.

2150. Were you aware of the conditions under which Mr. Edmunds had accepted the office of Clerk of the Patents?
Not until October. I never knew the whole details of that arrangement until October last.

2151. Earl of *Derby.*] How did you discover it then?
From Mr. Edmunds and from Mr. William Brougham.

2152. Viscount *Hutchinson.*] You say you never knew the whole details before October. How much of it did you know before then?
Mr. Edmunds had told me of it before then. He had made a statement to me which I discovered to be incorrect, and I taxed him with it. In fact, Mr. Edmunds had told me that he paid Mrs. John Brougham 400*l.* a year. I discovered that that was not true, and I taxed him with it, and reminded him of his having told me that, and he said, "No; I never told you I paid 400*l.* a year. I told you that I paid 300*l.* a year." I said, "But that is not so; you have paid nothing. How is that?" He said, "I have never "paid the money directly to Mrs. John Brougham. I paid it to Mr. William Brougham. "What he has done with it I do not know." He had never until October last told me a word about his having retained 200*l.* for interest upon a mortgage. I knew nothing of the mortgage until October last; nor did I know of the 100*l.* which he paid to Mr. William Brougham, and which had been laid out in the payment of the premiums upon the policy of insurance.

2153. Earl of *Clarendon.*] Did you make it known to Mr. William Brougham that he (Mr. Edmunds) said he had paid 300*l.* or 400*l.* a year to him?
I did not until the month of October last; before that I never had any conversation with him or with any member of the family about it.

2154. Earl of *Malmesbury.*] Was Mr. Brougham's account of the transaction the same as Mr. Edmunds when you did tell him?
Very different indeed. He told me he never heard a word of Mrs. John Brougham or her family in the matter.

2155. Lord *Taunton.*] With regard to the payment of the money, there was no difference in the account of Mr. William Brougham and that of Mr. Edmunds. Was that so?
None whatever.

2156. Lord *Stanley of Alderley.*] Did Mr. William Brougham state that nothing had been paid to him, or to his account, for his brother?
There they agree.

2157. Mr. William Brougham told you that the arrangement was that Mr. Edmunds should retain the 200*l.* to go towards the interest of the mortgage, and that he should pay 100*l.* a year to Mr. William Brougham, to be laid out in the payment of the premiums upon the policy of insurance?
Yes.

2158. Earl of *Clarendon.*] Was that Mr. William Brougham's account of the transaction?
Yes; that was Mr. William Brougham's account of the transaction, and that was also the account which Mr. Edmunds gave me in October, immediately before I went down to Westmoreland.

2159. Then Mr. William Brougham had full cognizance of the mortgage?
Of a mortgage. He disbelieved altogether the existence of this mortgage until he and I found it.

2160. Lord *Stanley of Alderley.*] Mr. William Brougham knew that 200*l.* a year was paid by Mr. Edmunds for interest upon a mortgage?
Yes; on a debt.

2161. And that 100*l.* was paid to him, Mr. William Brougham?
Yes.

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2162. Earl of *Clarendon.*] What was that 100*l.* for?
It was laid out upon the payment of the premiums on a policy of insurance upon Mr. Edmunds' life.

2163. Earl *Graham.*] He stated himself that he had received 100*l.* a year from Mr. Edmunds by means of which it was effected?
Yes.

2164. Lord *Panmure.*] Were you not aware that Mr. William Brougham borrowed the sum of 1,200*l.* from Mr. Edmunds?
I became aware of that also in October at the same time.

2165. Were you not aware that the interest upon that 1,200*l.* was deducted from the 100*l.* which Mr. Edmunds used to pay?
Yes, I was told so.

2166. Earl of *Clarendon.*] By whom?
By Mr. Edmunds.

2167. Lord *Panmure.*] If that was so, how could the whole of the 100*l.* be expended upon the premiums upon the policy of insurance if 42*l.* was deducted for interest upon the 1,200*l.*?
Mr. Brougham, as in duty bound, would make up that portion of it. The 1,200*l.* was money borrowed by Mr. Brougham from Mr. Edmunds, therefore he was bound, I conceive, in keeping up the policy of insurance, to make up the difference.

2168. Earl of *Derby.*] When you discovered this mortgage of 5,000*l.* Mr. William Brougham then became aware, if he had not been so before, that the 200*l.* a year which was deducted by Mr. Edmunds was deducted on account of the interest of that mortgage, did not he?
Just so.

2169. Therefore, from the month of October last, Mr. William Brougham knew perfectly well that the 200*l.* a year which had been paid by Mr. Edmunds was paid in respect of that mortgage of 5,000*l.*, and not of any other mortgage?
He first became aware of it then.

2170. Viscount *Hutchinson.*] We have had placed before us by Mr. Edmunds a letter without date, but which, by the context, he believes to have been written about the month of May or June 1864. This is the letter:—"Grafton Street, Wednesday "evening. My dear Leonard, As you in fact pay the premiums on the 3,000*l.* policy "effected on your life in the Law Life Office, No. 8,352, you have a right to a return "of the income tax. Miller will tell you to whom the application is to be made, as "he did it for me in another case. I may as well have the benefit of this in the case "of the 3,000*l.*; and all you have to state is, that although effected by me it is paid "for by your money. We ought to have thought of this before, for all we can now "get back is three years. Accordingly I now enclose certificates of payment required "by the Act for those last three years. Ask Miller to put you in the way of doing "this." Have you any recollection of Mr. William Brougham having had any communication with you upon that subject about the time when that letter was written?
None whatever; but I think I did get some documents from Mr. White, for him to sign, with regard to a return of duty, in another matter.

2171. For signature by Mr. Edmunds?
No; by Mr. Brougham. But that was in another matter. I know nothing of this.

2172. You have no recollection of Mr. Edmunds ever having brought you those certificates signed by him for the purpose of obtaining a return of duty upon the premiums?
None whatever. I never heard of that letter until very lately.

2173. Duke of *Somerset.*] Did you assist Mr. William Brougham in preparing the case that was submitted to Lord Cranworth?
No, I did not. Mr. Brougham was then in Westmoreland and I was in London. I saw it however before it was sent to Lord Cranworth.

2174. Mr. Brougham has said, in reference to that case, in reply to a question put to him, "I said, or rather Mr. Miller said in my behalf, there is no use in encumbering this case with the 1,200*l.* question." Do you remember anything about that?
Yes, I do. I remember this:—When the memorandum of reference was drawn I took

it

it to Mr. Leman, and I suggested that the 1,200*l.* should be struck out, as there was no dispute about it, and Mr. Edmunds struck it out with his own hand, and put his initials to it.

2175. Lord *Panmure.*] Mr. Leman struck it out?

Mr. Edmunds struck it out with his own hand, and put his initials to it. The document is still in existence. No doubt Mr. William Brougham has it.

2176. Duke of *Somerset.*] Then that question was not intended to have been referred to Lord Cranworth?

It was not.

2177. You say you were not aware till October last of any engagement made by Mr. Edmunds to pay away part of his salary to any other person?

Yes; I said that Mr. Edmunds had previously told me that he had paid Mrs. John Brougham 400*l.* a year.

2178. When did he tell you that?

Years ago. I discovered that that was not the case, and when I had discovered that he had made no payments to Mrs. John Brougham I taxed him with it immediately. I went the following day to Grafton Street, and called upon him to ascertain the truth. I said, "I find this is not the fact. You told me some time ago that you paid Mrs. John "Brougham 400*l.* a year; that is not so." His answer was, "No; I never told you "I had paid 400*l.* a year. I paid 300*l.* a year." I said, "I am told by Mrs. Brougham's "family that she has never received a shilling of it. How is that?" He said, "I never "paid it directly. I paid the money to Mr. William Brougham. What he has done with "it I do not know."

2179. Lord *Chelmsford.*] When was this conversation; how long ago?

In 1861.

2180. Duke of *Somerset.*] Mr. Edmunds states that he paid the money to Mr. William Brougham, believing that Mr. William Brougham paid it over to Mr. John Brougham's children, and that he did not know of the alleged default of payment until early in the month of October last, when Mr. Miller informed him of it, and divulged this business to him?

That is entirely wrong; it is altogether an error. It was in 1861 that I accused him of having made a mis-statement to me.

2181. Lord *Stanley of Alderley.*] It was then that you stated to Mr. William Brougham that that sum of money which he believed was paid to Mr. John Brougham's children had never been paid at all?

No; I told Mr. Edmunds so. Mr. Edmunds had told me that he had made a payment of 400*l.* a year to Mrs. John Brougham's children. I, in 1861, discovered that that was not so. I was told by a son of Mrs. John Brougham that it was not so, and that she never received a shilling. I was very much surprised at that, and I went the following day to Grafton Street, and called upon Mr. Edmunds, with the view of having some explanation of this. He immediately said what I have just stated to the Committee, that he had never told me he had paid 400*l.* a year; that he had told me he had paid 300*l.* a year; and I replied thus: "I find you have not paid a shilling; there has been no pay-"ment whatever, so I am told; is that so?" He said, "I never paid the money directly, "I paid it to Mr. William Brougham." But he said nothing whatever then as to the retention of 200*l.*, or as to meeting the interest on a mortgage debt. I knew nothing of any mortgage or alleged mortgage until October last.

2182. Viscount *Hutchinson.*] You say that that conversation occurred in 1861?

Yes.

2183. Did you ever repeat that conversation, or the tenor of it, to Mr. William Brougham?

Never. It being a delicate matter, I never opened my lips to him or to any member of the family about it. I saw there was something wrong.

2184. Still you must have said something about it to some member of the family, as you obtained the information from Mrs. John Brougham's family, that the 400*l.* a year was not received by them?

I did not mention the matter to a single member of the family. I saw there was something wrong.

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2185. How then did you ascertain the fact that Mrs. John Brougham did not receive the 400*l.* a year that Mr. Edmunds had told you he paid?
I ascertained it from Mr. Peter Brougham, who was then in this country.

2186. Then you did mention the matter to Mr. Peter Brougham?
This was in 1861. I dined with him in a street in which he was then living out of Russell Square, and after dinner the subject of the difficulties which Mrs. John Brougham had gone through in bringing up a large family upon a very small income was discussed, and I expressed my surprise, in fact we all did so, that she had done it; and Mr. Peter Brougham concluded it by saying, "Yes; it is very astonishing; but all my "mother has had has been 250*l.* a year." I said, "You do not mean that!" believing that she was in the receipt of 400*l.* a year from Mr. Edmunds. I was very much struck with this statement, and I said, "You do not mean to say that!" "Yes," he said, "I do not mean to say that there may not have been occasional help from Lord "Brougham, and from her mother while she lived, but that was all the permanent "income she had to trust to, and I know that for years she had nothing else." I said nothing more, but I determined to ascertain the truth, and the next day I called upon Mr. Edmunds as I have already stated.

2187. Duke of *Somerset.*] You have stated that you were acquainted with the mortgage of 5,000*l.*, and that you made some arrangement with respect to it?
I was not acquainted with it till October last. Sunday, the 24th of October, I think, was the day on which the deed was found.

2188. Earl of *Derby.*] What date did you say in October?
I think it was Sunday the 24th of October on which I found the deed. I am pretty sure it was. I left town on the Saturday. That was the 23d of October. It was the following day that the deed was found.

2189. Duke of *Somerset.*] Was there any other mortgage for 5,000*l.* upon any of the Cumberland estates, besides the one to which you have referred, which was on Lord Brougham's estate, as I understood?
I am sorry to say, I fear there are two other mortgages; one for 5,000*l.*, and one which originally was 8,000*l.*, and was subsequently reduced to 5,000*l.*

2190. Then there were other mortgages for the sum of 5,000*l.* besides that of Mr. Edmunds?
Yes; there was another for the sum of 5,000*l.*; and another which, as I say, had been originally 8,000*l.*, but was reduced to 5,000*l.* by a payment of Mr. William Brougham's. Perhaps I ought to say, that, upon reconsideration, I doubt very much whether Mr. Leman's story of the way in which the deed got down to Brougham is perfectly accurate, although no doubt he believes it to be accurate. His story was that at the time of a trial some years ago, an ejectment case, the deed had been sent down in mistake; but I rather think, upon reflection, that the deed was in the proper custody. For instance, Mr. James Brougham, it turns out, was a trustee under old Mr. Edmunds' will, and being a trustee he would naturally keep that deed. This view of it has struck me since. I may be wrong.

2191. Earl *Graham.*] I should have thought the deed would have been in the hands of the person who lent the money?
Mr. James Brougham was trustee for old Mr. Edmunds, and in that capacity he would be one of the lenders of the money. This is merely a thing which has occurred to me since.

2192. Duke of *Somerset.*] Mr. James Brougham was in the double capacity of lender of the money on one hand and borrower of the money on the other hand; is that so?
Precisely so.

2193. Viscount *Hutchinson.*] That was the reason why it was necessary to interpose Mr. William Brougham as a trustee between them, was not it?
I believe so.

2194. Earl *Graham.*] Mr. William Brougham you say was trustee for old Mr. Edmunds?
No; Mr. James Brougham; and, therefore, being a trustee under old Mr. Edmunds' will, he might have kept the deed.

2195. *Chairman.*] Are you at all acquainted with the mode in which Lord Brougham

Brougham transacts his private business with regard to the management of his own property?

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While Mr. James Brougham lived it was left in his hands, and after Mr. James Brougham's death the affairs went into Mr. William Brougham's hands.

2196. Did that go to such a very great extent that his brothers undertook the whole management of the receipts and payments?
I believe they did so entirely.

2197. Both as to large sums and small sums?
Yes. Lord Brougham has an agent at Carlisle, Mr. Clarke, but Lord Brougham never sees him, or has any communication with him at all. It is all done through Mr. William Brougham.

2198. Earl of *Clarendon.*] He probably knew nothing about all this?
He knew nothing whatever about it. Lord Brougham's name is made use of in the assignment of 1827, but he knew nothing at all about it. He never executed the deed.

2199. Viscount *Hutchinson.*] He executed the original mortgage of 1811?
Yes, he did execute that.

2200. Earl of *Derby.*] When was the original mortgage?
The original mortgage was in 1811. That Lord Brougham executed.

2201. The transfer was in 1827?
Yes.

2202. *Chairman.*] Have you had any communication with Mr. Leman with regard to the resignation of Mr. Edmunds of his office of Reading Clerk to the House of Lords?
Yes, I have.

2203. Will you state what communication you have had?
I have had several communications with Mr. Leman upon the subject. The last I had was when Mr. Leman called upon me, on Monday the 13th of February.

2204. Earl of *Derby.*] Had you any communication with Mr. Leman or Mr. Edmunds about the beginning of November?
Yes, certainly.

2205. Will you state what passed between you?
When I returned to town Mr. William Brougham gave me carte blanche to do what I thought proper about this matter, and I saw Mr. Leman several times, and he and I arranged terms of settlement, which Mr. Edmunds approved of. I think I have a memorandum of the terms.

2206. Lord *Stanley of Alderley.*] The terms between whom?
Between Mr. William Brougham and Mr. Edmunds. The terms of the arrangement that Mr. Leman and I made were these, that Mr. William Brougham should acknowledge the payment of the interest upon the mortgage, and undertake to pay it (that is, pay the mortgage); that Mr. Leonard Edmunds should continue the 300*l.* arrangement while he had the means of doing so; all private letters to be given up; the 1,200*l.* to be repaid as of course on thirty days' notice. A memorandum to that effect was drawn up; but Mr. Edmunds refused to deliver up any letters, and the thing went off.

2207. Earl of *Derby.*] Are you aware whether Mr. William Brougham, on or about the 1st or 2d of November, addressed a letter to the Lord Chancellor upon the subject of Mr. Edmunds' resignation of his office?
I am. I think it was at the end of October. I am not certain whether it was then or at the beginning of November. I know it was one or the other.

2208. In consequence of that was a communication made, to your knowledge, by Mr. William Brougham to Mr. Leman upon the 4th of November?
Mr. Leman certainly showed me a letter which he had received from Mr. William Brougham, quoting the Lord Chancellor's letter.

2209. Before he showed you that letter had you received a letter from Mr. Leman desiring you to remonstrate with Mr. William Brougham upon his having made a proposition to the Lord Chancellor?
I think not.

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2210. Upon the 6th of November did not Mr. William Brougham receive a letter through you from Mr. Leman, remonstrating with him (Mr. William Brougham) for having made an application to the Lord Chancellor behind Mr. Edmunds' back?

I do not think it was a letter. I think Mr. Leman and Mr. Edmunds told me that they very much disapproved of Mr. William Brougham having written to the Lord Chancellor. Certainly they both told me that they very much disapproved of it, and thought that it must do injury, and they accused Mr. William Brougham of having sinister motives. Mr. Edmunds told me that the letter to the Lord Chancellor was written for a very different purpose from what I supposed it to be, namely, with a sinister object, that object being to get his own son into the Office. I said, "Nothing "of the sort. I saw the letter written to the Lord Chancellor by Mr. William "Brougham, and in that letter there is not a syllable about Henry Brougham; no "such idea was entertained."

2211. Did you see the letter which Mr. William Brougham in consequence of that remonstrance addressed to Mr. Leonard Edmunds upon the 6th of November?

Mr. Brougham did not address Mr. Edmunds, he wrote to Mr. Leman. I do not know that I saw that letter; I think Mr. Leman read it to me; possibly he may have shown it to me.

2212. Was the statement made in that letter by Mr. William Brougham wholly without reference to the Lord Chancellor's obtaining the office for his son?

There were several matters mixed up in it.

2213. In that letter did not Mr. William Brougham directly point to a supposed object of obtaining the office for the Lord Chancellor's son.

I have no recollection of anything of that sort. I have no recollcction of the Lord Chancellor's son being named in it.

2214. Not in the letter from Mr. William Brougham?

I cannot tax my memory with it. I think not. There may have been something of that sort; my memory does not serve me, but there certainly was nothing in the letter which Mr. William Brougham wrote to the Lord Chancellor about Mr. Henry Brougham at all; there was no suggestion of that kind.

2215. Viscount *Hutchinson.*] Did you see that letter.

I did. I was at Brougham when it was written.

2216. *Chairman.*] What passed between you and Mr. Leman on Monday the 13th of February? You say that you saw Mr. Leman on that day.

Yes.

2217. Earl of *Clarendon.*] That was the day before Mr. Edmunds' resignation?

Yes. Mr. Leman called upon me on that morning, and told me that after all Mr. Edmunds had determined to take his seat at the table, unless he could get some assurance from the Lord Chancellor on the subject of pension; and Mr. Leman asked me to go to the Lord Chancellor and endeavour to get some such assurance. His words were, "to endeavour to get some such assurance from the Lord Chancellor." I immediately refused. I told him it was a thing which neither he, nor I, nor any other man could possibly do. That it was what no one dare go to the Lord Chancellor about.

2218. This was on Monday the 13th, you say?

Yes; on Monday the 13th.

2219. *Chairman.*] Is your recollection quite accurate upon that point?

Yes.

2220. Earl of *Clarendon.*] But Mr. Leman did not appear to have any impression that a promise of pension had been held out to Mr. Edmunds on that day?

He did not mention anything to me of that sort.

2221. If he had thought that a promise of a pension had been held out to Mr. Edmunds he would not have asked you to go to the Lord Chancellor to try to get it, would he?

Clearly not. I told him I could not go. I thought nobody could possibly approach the Lord Chancellor upon such a subject. I think I added it would be quite indecent.

2222. That was the morning of the 13th of February, was it?

That was the morning of the 13th.

2223. On the morning of the 13th Mr. Leman told you that Mr. Edmunds would not resign?
He told me that he was determined to take his seat unless he could obtain some assurance from the Lord Chancellor on the subject of a pension.

2224. Knowing, on Monday the 13th, that on the 14th the Lord Chancellor intended to bring his case before the House of Lords?
Precisely so.

2225. With that knowledge, Mr. Edmunds had determined not to resign?
Precisely so. Those were not the words; the words were, "Had determined to take his seat."

2226. That means determined not to resign, does not it?
Yes.

2227. Can you tell the Committee about what o'clock that was on the morning of the 13th?
It must have been about 11 o'clock.

2228. On the afternoon of that day, the 13th of February, Mr. Edmunds determined that he would resign, did he not?
That I do not know. Mr. Leman called on me again on the morning of the 14th.

2229. What passed then?
Upon that occasion he did not renew his request to me, but called upon me to know if I had any information from Mr. William Brougham upon the subject of the letter which he (Mr. Leman) had written to him on the 6th of February.

2230. Did you know the substance of that letter?
Yes; for he had told me before then of that letter. The way in which he gave me information about it was this: He told me of it on the very day when he wrote it, the 6th, and he asked me whether I thought Mr. William Brougham was likely to assent to the assignment of the policy of assurance to Mr. Edmunds, in consideration of his sending in his petition for resignation. I told him I did not think that Mr. William Brougham would consent to anything of the sort; however there would be no harm in his writing; and he told me that he did write, and on Tuesday the 14th he called upon me to know whether I had heard anything of that letter which he had written to Mr. William Brougham.

2231. Upon the 14th Mr. Leman called upon you again, did he?
Yes.

2232. Upon that day he merely asked you whether you thought that Mr. William Brougham would assent to certain conditions?
No. He had asked that previously; some days before. I think it was on the very day he wrote his letter; on the 6th.

2233. He repeated the inquiry on the 14th?
He asked if I had had any communication from Mr. William Brougham on the subject of that letter which he had written to Mr. William Brougham on the 6th.

2234. Did Mr. Leman, upon the 14th, give you to understand that Mr. Edmunds was going to resign?
On the contrary, he told me that Mr. Edmunds had determined to take his seat at the table that afternoon.

2235. Upon the 14th of February Mr. Leman told you that?
He did.

2236. Therefore he did not give you to understand in any way, directly or indirectly, that the promise of pension had been made to Mr. Edmunds?
In no way whatever. I was very much surprised to find, upon the following day, that the petition had been presented. The petition was presented that very day, the 14th.

2237. You had no reason to believe, on the afternoon of the 13th, that Mr. Leman knew that Mr. Edmunds had determined to resign?
None whatever.

2238. You had no reason to believe, on the morning of the 14th, that on the previous afternoon Mr. Leman knew that Mr. Edmunds had determined to resign?
On the contrary, my belief was that Mr. Edmunds was about to take his seat.

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2239. That was on the 14th?
Yes.

2240. You had no reason to believe, either on the 13th or the 14th, that any hope of pension had been held out to him?
None whatever.

2241. From Mr. Leman?
From Mr. Leman.

2242. You were in communication on both those days with Mr. Leman?
Yes. When he saw me on the 14th he distinctly told me that Mr. Edmunds would take his seat at the table that afternoon; instead of that, on the following morning I found that he had presented his petition.

2243. Lord *Stanley of Alderley.*] And Mr. Leman wished you to go and see the Lord Chancellor, to induce him to do what he had not hitherto done; namely, to give some assurance upon the subject of the pension?
On the Monday he asked me to endeavour to get some assurance from the Lord Chancellor upon the subject of the pension.

The witness is directed to withdraw.

Mr. J. Leman.

Mr. JAMES LEMAN is called in, and further examined as follows:

2244. *Chairman.*] I am informed that you wish to make a statement to the Committee?
I do, and it is with reference to what dropped from the Lord Chancellor the other day. If your Lordships will have the goodness to turn to page 206, Question 1875, you will see that the Lord Chancellor appears from the Minutes I have in my hand to have said that he had no interview with me on the 8th November.

2245. He stated that he has no recollection of any interview?
Yes, but if you pursue it his Lordship goes on afterwards to say positively that he had none.

2246. Earl of *Derby.*] The Lord Chancellor says, "I have not the smallest "recollection of any such interview, and it seems to me scarcely possible that anything "of the kind could have taken place, because Mr. Leman had so entirely repudiated all "notion of Mr. Edmunds resigning on the 4th of November, the time of the first "interview." And then subsequently the Lord Chancellor says, "I have not the "smallest recollection of anything of the kind having occurred. I think it impossible "that it could have occurred in consequence of what passed on the 4th of "November?"
Exactly so. I have only seen this statement of the Lord Chancellor this morning. However, I at once referred to my papers, and I have fouud and hold in my hand a letter from the Lord Chancellor's secretary, dated the 7th of November 1864, fixing a meeting with the Lord Chancellor for the next morning.

2247. Duke of *Somerset.*] Will you read the letter?
"Dear sir. The Lord Chancellor will see you here to-morrow at a quarter past "10 o'clock before he goes into Court. I enclose you a copy of the last Report." That was the last Report against Mr. Edmunds.

2248. Was that letter in reply to any application on your part to see the Lord Chancellor?
I rather think it was, but I am not sure. I have not got a copy of my letter. I think so from the context.

2249. The context looks as if it were an answer to an application?
Yes; I can explain why I wanted to see his Lordship. I had upon the 7th received from Mr. Brougham a letter, which I have already given in evidence, in which he refers to the Lord Chancellor's intention to assist the pension as far as he could with propriety. It was for that reason that I wanted to see the Lord Chancellor, and I did see the Lord Chancellor upon that day, the 8th, the day which he fixed upon, and the day on which he now says he never saw me.

2250. Viscount *Hutchinson.*] Is the letter which you refer to as having been received from Mr. Brougham the one which we have in evidence?
Yes;

Yes; it is dated the 6th. Of course I received it on the 7th. The receipt of that letter of course induced me to be anxious to see the Lord Chancellor upon the subject, and therefore I think I must have written to him. The letter I have produced is a letter from Mr. Abraham. *Mr. J. Leman.* 27th Mar. 1865.

2251. Is that letter dated 29th of October?
No; the letter I was mentioning just now is a letter from Mr. Brougham to me of the 6th of November.

2252. Then I am not correct in supposing that Mr. Brougham transmitted to you a copy of the letter which the Lord Chancellor had sent to him on the 29th of October?
He did not send me a copy of the letter. He sent me an extract; it will be found in my evidence.

2253. Did you communicate the tenor of that letter to Mr. Edmunds?
When I received it I did, certainly.

2254. At that time?
Yes, at once. I felt it my duty to communicate everything to him.

2255. Earl of *Malmesbury.*] Upon that you went to the Lord Chancellor?
I waited upon him according to this appointment made by Mr. Abraham.

2256. You went to see him?
Yes; I saw him in his private room at Lincoln's Inn.

2257. Earl of *Derby.*] Had you an interview with Mr. Miller on the 13th of February?
I think it is extremely probable.

2258. That was the day before Mr. Edmunds' resignation?
I think it is extremely probable that I had an interview with him then.

2259. You do not recollect it?
Unless there are some special circumstances, I cannot. I have so constantly seen Mr. Miller. He was a sort of medium between Mr. William Brougham and myself.

2260. When was it that Mr. Edmunds finally made up his mind to resign his office?
I do not think he had finally made up his mind to resign his office until the 13th of February, and he did so then in consequence of what the Lord Chancellor said to me in the interview which has been adverted to before.

2261. What the Lord Chancellor said; when?
On the 13th of February I think it was; the Monday before the meeting of Parliament.

2262. Parliament met on the 7th of February?
Then it was the day before the resignation, I should say. The Lord Chancellor upon that occasion said to me, "I have consulted the Government," (this, I think, I have stated before,) "and unless Mr. Leonard Edmunds places in Sir John Lefevre's hands "the resignation on or before four o'clock to-morrow I shall move for a committee, and "lay the Reports upon the Table of the House." That was what the Lord Chancellor stated to me on the 13th of February.

2263. Earl of *Clarendon.*] At what o'clock did that pass between you and the Lord Chancellor?
I am not certain whether he was sitting on Appeals or not; but it took place in his Lordship's room.

2264. On the morning of the 13th?
No; I should say not the morning.

2265. Will you just try and remember what o'clock it was on the 13th?
It is very difficult to recollect. I should think it must have been about three or four o'clock. I really do not like to pledge myself to the time.

2266. And Mr. Edmunds had not determined to resign till after you saw the Lord Chancellor between three and four o'clock on the Monday?
I had the greatest difficulty always in getting him to say that he would resign; but I think what I communicated to Mr. Edmunds, after I had seen the Lord Chancellor, decided the question, and he then did determine to resign. He and I had already seen

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Sir John Lefevre upon the subject. We had been to Sir John Lefevre's house, and talked upon the subject.

2267. Was that on the Monday?
On the Monday, I think it was.

2268. Just recollect. You say that you saw the Lord Chancellor between three and four o'clock on Monday the 13th?
I will not fix myself to the time when I saw the Lord Chancellor.

2269. It was late in the afternoon, you say, at any rate?
It was late in the afternoon, I think.

2270. It must have been before the House met?
Yes; before the House met, because he was in his private room.

2271. And in consequence of what passed between the Lord Chancellor and yourself, then Mr. Edmunds resigned?
I think it was the turning point with him. My own impression is that he was wavering as to resignation until I told him that which the Lord Chancellor told me, namely, that he had consulted the Government, and would move for a Committee, and put the papers on the table of the House of Lords, unless the resignation was in Sir John Lefevre's hands before a certain time.

2272. Mr. Edmunds had not determined to resign earlier in the day before that?
I think not. He may have done so; but your Lordship is aware that the power of revocation existed at any time. I had the greatest difficulty to persuade Mr. Edmunds to resign at all. I have no motive whatever in coming here but to state the truth. I persuaded him to resign, but the locus pœnitentiæ existed. Of course I wished to save the exposure, if I possibly could, and stop the scandal, which I thought ought not to come out.

2273. Duke of *Somerset.*] Was it with a view of stopping the scandal, which you say you thought ought not to come out, that you asked for time to write to Mr. William Brougham before the resignation was made?
I think that had something to do with it.

2274. You did, as I understand, wish to stop the exposure which you thought would come out, which would be inconvenient to your client?
Not particularly to my client.

2275. To Mr. Edmunds?
No; not to him. I did not refer to him.

2276. It was for Mr. William Brougham?
It was for Mr. William Brougham. I was extremely anxious to stop all that exposure, which I thought would not help Mr. Edmunds' case, and would be mischievous to other people.

2277. Earl of *Clarendon.*] We have received some evidence just now from Mr. Miller, who informed the Committee that on the 13th of February you had asked him to go to the Lord Chancellor, and propose to him to secure, or to promise, a pension to Mr. Edmunds as far as he could, and that he had absolutely declined to do anything of the kind?
That is perfectly untrue. I did not want Mr. Miller to interfere in the matter. He did interfere in the matter, but not with any authority from me.

2278. On the 14th did you go to Mr. Miller to ask whether there had been some answer received from Mr. William Brougham?
Yes, I did ask that.

2279. To ask whether Mr. William Brougham would consent to a certain arrangement?
I did ask that; but I never asked him to go to the Lord Chancellor; I never thought of doing such a thing.

2280. We not only heard that you had done so, but that he absolutely declined to do it?
I am very sorry to be obliged to contradict Mr. Miller, but I must contradict him, because he actually produced letters to me which he read from Mr. William Brougham, to be handed to the Lord Chancellor, upon the subject of this pension, and all the rest of it,

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it, if Mr. Leonard Edmunds would consent to give up certain papers which were in his possession; that is all that passed. He read me the letters. I do not know whether he handed the letters to the Lord Chancellor or not, but he read them to me, and they were both requests. I think it was a request, in the name of Mr. William Brougham and Lord Brougham, that he would oblige both of them if he could assist in the matter of the pension. I do not know whether they were delivered or not.

2281. *Chairman.*] Have you any further statement which you wish to make?

I have read Mr. Abraham's letter from the Lord Chancellor to me appointing a meeting on the 8th of November. I can only therefore in addition to that say, that I did attend the Lord Chancellor, and what I stated in my former deposition is perfectly accurate. Upon that occasion the Lord Chancellor expressly told me that he would throw no obstacle in the way of Mr. Edmunds getting his pension.

2282. Duke of *Somerset.*] His Lordship told you again upon the 8th what he had told you on the 4th?

No. He had not told it me on the 4th November; it was on the 8th that he told it to me. As soon as the Lord Chancellor said it to me, I went immediately to Mr. Edmunds, who was in my room, awaiting the result of the interview, and told him that circumstance. The Lord Chancellor told me on the 4th of February that he would throw no obstacle in the way, and he told me the same thing on the 8th of November. What I wished to correct was this: the Lord Chancellor says, "I know nothing of Mr. Leman's visit on "the 8th of November." But I hold in my hand Mr. Abraham's letter appointing a meeting for the 8th of November.

2283. *Chairman.*] In point of fact, did anything different occur on the 8th from what had occurred on the 4th?

Yes, very different, because I think his Lordship did not say anything about the pension on the 4th November. It was on the 8th that his Lordship said to me he would not throw any obstacle in the way of the pension. On the 4th of November the Lord Chancellor told me that he had received a letter from Mr. William Brougham, offering on the part of Mr. Leonard Edmunds to resign his office. I then told his Lordship that the letter was written without the authority of Mr. Edmunds or myself. In consequence of that communication I made a similar communication to Mr. Miller, Mr. William Brougham's agent; and in consequence of that communication to Mr. Miller I received a letter written on the 6th November from Brougham, from Mr. William Brougham, stating what had passed between himself and the Lord Chancellor. I then wished to see the Lord Chancellor upon the subject of that letter. There is another point in the Lord Chancellor's evidence to which I also wish to call your Lordships' attention. It is at page 209, Question 1884. In that statement the Lord Chancellor says, that he never told me that unless the resignation of Mr. Edmunds was in the hands of Sir John Lefevre by four o'clock on the following day he should lay the papers on the table of the House of Lords, and move for a Committee.

2284. Duke of *Somerset.*] I will read to you the question and answer No. 1884. The question was put by the Earl of Derby. "If I understand you rightly, your Lord-"ship did state to Mr. Leman, on the 13th of February, that unless the petition was in "the hands of Sir John Lefevre by a certain time the next day you would proceed to "move for the papers." To which the Lord Chancellor replied, "I sent a message "to him to that effect?"

I beg to say that the Lord Chancellor expressly told me that himself. He told it to me in the House of Lords; and in answer to the same question, I said so subsequently, in the presence of the Lord President and Sir John Lefevre.

2285. The difference between the Lord Chancellor and yourself is, that you think his Lordship told it you verbally, and his impression is that he sent a message to the same effect to you?

Yes. I not only think it, but know it. Messages come either by messenger or by note. I said before, and I say now, that the Lord Chancellor told it me himself in that room, and I told his Lordship so in the presence of the Lord President and Sir John Lefevre.

2286. Earl of *Clarendon.*] It is this very interview with the Lord Chancellor that I have been asking about; the interview on the 13th?

If that is the interview your Lordship wishes to be informed about, I can tell you the time of it at once when I met the Lord President and Sir John Lefevre. It was

Mr. J. Leman. 27th Mar. 1865.

between three and four o'clock, because I had had two messages that day from the Lord Chancellor by Mr. Abraham, who called twice to see me, to beg that I would be there between three and four o'clock; therefore I know that was the time.

2287. Lord *Stanley of Alderley.*] Had you been in the House of Lords the same day before that time?
Not at all.

2288. Therefore it could not have been between three or four o'clock that you had this interview with the Lord Chancellor?
No.

2289. *Chairman.*] Are you perfectly certain that the day when I met you in the Lord Chancellor's room was the 13th?
It was the day on which the Lord Chancellor moved for the Committee. I do not remember what that day was.

2290. You state that you have kept notes of your attendances upon the Lord Chancellor; upon what day did you meet the Lord Chancellor, Sir John Lefevre and myself being in the room?
The day on which the Lord Chancellor moved for the Committee.

2291. Earl of *Derby.*] The 7th of March?
Yes.

2292. Earl of *Clarendon.*] The day on which the Lord Chancellor moved for this Committee you mean?
Yes.

2293. Earl of *Derby.*] This question was put to the Lord Chancellor: "Mr. Edmunds "says in the evidence given by him, 'On Tuesday the 7th of March the Lord Chan- "cellor, through his secretary Mr. Abraham, requested Mr. Leman to attend at the "House of Lords on that day between three and four o'clock. Mr. Leman attended "accordingly, and was called into his Lordship's private room, where he found the Lord "Chancellor, Lord Granville, and Sir John Lefevre (as Mr. Leman informed me). "The Lord Chancellor asked Mr. Leman, as Mr. Leman informed me, 'Who told you "that if Mr. Edmunds' resignation was not in Sir John Lefevre's hands on the next day "by four o'clock I would lay the Reports against Mr. Edmunds on the table of the "House, and move for the Committee on that same day?' Mr. Leman replied, "'Your Lordship yourself told me so.' Upon which the Lord Chancellor asked "'Where?' Mr. Leman replied 'In this room, my Lord.' Is that correct?" The Lord Chancellor says "Yes." Therefore he assents to it?
Yes.

2294. Lord *Chelmsford.*] On the 7th of March you gave an account of something which occurred on the 13th of February, did you not?
Just so. The Lord Chancellor examined me on the 7th of March as to what took place between him and myself on the 13th of February, and when the Lord Chancellor examined me upon those points the Lord President and Sir John Lefevre were in the room. The difference between the Lord Chancellor and myself is that his Lordship says in his evidence that he sent a message to me, and I say that he told it me himself.

2295. Lord *Stanley of Alderley.*] The information, whether conveyed to you by word of mouth or by message, was the same, was it not?
If it had been a message it would not have had the weight with me which it had coming from the Lord Chancellor himself.

2296. Lord *Panmure.*] The result of the information is the same?
No doubt the result of the information is the same; but it was in fact stated to me by the Lord Chancellor himself. Those are the only two points which I desire to mention. I have not had an opportunity of reading the whole of the Lord Chancellor's evidence.

The witness is directed to withdraw.

Mr.

Mr. WILLIAM BROUGHAM is called in, and further examined as follows:

Mr. W. Brougham.

27th Mar. 1865.

2297. *Chairman.*] I am informed that you have a statement which you desire to make to the Committee?

I was asked on Thursday by one of your Lordships when I first heard of the circumstances of Mr. Edmunds' difficulties or embarrassments in the Patent Office. I find that I had on the 7th of August 1864 a letter from Mr. Leman, dated the 6th of August. This is the letter.

The same is read as follows:

"51, Lincoln's Inn Fields,
"My dear Mr. Brougham, London, W.C.

"Leonard Edmunds has asked me to write on his part, and to communicate to you a most unhappy state of affairs as respects the Patent Office.

"In consequence of a most violent and severe Report by Messrs. Greenwood and Hindmarch, and to prevent expulsion from the office, L. E. has resigned, acting under my advice. Very grave ulterior proceedings are threatened, and L. E. urgently requires your assistance and advice in dealing with the Lord Chancellor and the other authorities. It is necessary you should be put in possession of all the facts of this sad case, and we hope, if possible, you will come up to town, so that you and I may meet and talk matters over, and see the Lord Chancellor on the subject, who is, I believe, at Hackwood, or yachting. If you cannot come to town, as we hope you will, I will come to Brougham, or meet you en route, but pray come here if possible.

"Yours most sincerely,
"JAMES LEMAN,
"Lincoln's Inn Fields. August 6th, 1864."

Before I could answer that, I received, two days afterwards, another letter from Mr. Leman, on the 9th of August. It is dated "8th of July," but that is evidently a mistake. It is written by Mr. Edmunds, and signed by Mr. Leman. It is supposed to be Mr. Leman's letter.

2298. Earl of *Clarendon.*] It is in Mr. Edmunds' handwriting?

Yes, the whole of the letter, except the signature. I will read it.

The same is read as follows:

"Private. "51, Lincoln's Inn Fields, London, W.C.,
"My dear Mr. Brougham, Monday, July* 8th, 1864.

* Mistake for August.

"This very terrible affair has now gone beyond the question of the Patent Office. The Lord Chancellor informs me, in a letter just received, 2 p.m. this day, that he has actually placed the Report and the case in the hands of Lords Cranworth and Kingsdown, requiring their opinion as to whether it is not incumbent upon him, the Chancellor, to bring the question before the House of Lords, with reference to the dismissal of L. E. from the table. Lords C. and K. may very probably commit themselves to an immediate and unfavourable opinion, thereby effecting irretrievable ruin. It is of the greatest possible consequence that they should be got at without delay, and for this purpose particularly I do entreat you will come to town and as speedily as possible. In dealing with the Treasury it will be necessary to get at Lord Palmerston, and we do most urgently request your advice and help in the whole case.

"If necessary to account for your absence, there can be no difficulty in disclosing to Lord B. that very serious and urgent disclosures have been made; but do not permit him, for the present at least, to take any action.

"Yours ever and most sincerely,
"L. E. copies this letter. JAMES LEMAN."

2399. Duke of *Somerset.*] There was a letter of yours, containing a passage from a letter of the Lord Chancellor's, from which an extract was quoted here by Mr. Edmunds; that was a letter of yours, written, I think, on the 6th of November, to Mr. Leman?

Yes; it was a letter written by me to Mr. Leman, after having received a letter from the Lord Chancellor, dated early in November; I cannot say when.

Mr. W. Brougham.
27th Mar. 1865.

2300. Lord *Chelmsford.*] Dated the 29th of October, was it not?
Just so.

2301. Duke of *Somerset.*] In that letter to Mr. Leman you quoted a passage from a private letter of the Lord Chancellor to you, I think?
Yes; I quoted the passage, certainly.

2302. Did you expect when you quoted that passage to Mr. Leman that that passage would be communicated to Mr. Edmunds?
Certainly; it was written for the purpose.

2303. You wrote it intending that it should be so communicated?
When I wrote the letter to the Lord Chancellor, after considering and talking over the question with Lord Brougham, I wrote, for the purpose of getting from the Lord Chancellor an intimation of what his Lordship would do, in order that I might tell Mr. Leman, and in order that Mr. Leman might tell Mr. Edmunds. I did not consider that I was committing any breach of confidence, or making an improper use of the letter, in sending either a copy or an extract of the letter to Mr. Leman. It has been supposed that I had no right to produce the letter of the Lord Chancellor to me here, therefore I hope the Committee will so far justify me as to say that it was by their desire or their order that it was produced, and that it was not volunteered by me.

2304. Lord *Chelmsford.*] The Committee already had before them the extract which you had made in your letter of the 6th of November to Mr. Leman?
Yes; no doubt they had it; taken from Mr. Leman's letter.

2305. Earl of *Malmesbury.*] You stated at the time that you did not tender the Lord Chancellor's letter?
That is very possible. I meant to have stated that, certainly. There are one or two matters connected with the subject of this inquiry upon which your Lordships wished me to give evidence or information. That subject, perhaps, I had better now dispose of. It arises out of that part of the question connected with the appointment of Mr. Edmunds to the Patent Office, and the arrangement, or terms of an arrangement, for appropriating 300*l.* a year. Mr. Edmunds says, as your Lordships will see if you turn to question 1441, "I was appointed to the office of Clerk of the Patents in August 1833; the "appointment being in the gift of Lord Chancellor Brougham; Mr. James Brougham, "the brother of Lord Brougham, being the medium of communication. I never had "any communication with Lord Chancellor Brougham upon the subject. Mr. James "Brougham has been dead many years. I was informed by Mr. James Brougham, "since deceased, at the time of my appointment, that the office was intended for the "eldest son of Mr. John Brougham, then deceased, another brother of Lord "Brougham, but that as he was not old enough to hold it himself I was to "take it in the meantime, in trust for the benefit of the widow and five children "of John Brougham." Now there is some extraordinary mistake here. The eldest son of John Brougham had been educated by me for the army, and was put into the cavalry, and sent to India in the year 1832, and died in the year 1839. Therefore the office could never have been intended for him, because he left England in 1832. His next brother, Peter, was born in 1819, and was therefore fourteen in 1833. I sent him to Australia in 1838. He was never intended for any office in this country. The next son, John, was born in May 1821; he was therefore twelve in 1833, and I sent him to Australia in 1839. I will now trouble your Lordships to look at question 1485 at page 149. "Is Mr. John Brougham's son otherwise "provided for?—Yes. What office does he hold?—Mr. James Brougham, who was "undoubtedly indicated as the person who was to receive this office as soon as he "came of age, or rather as soon as he was old enough (for that was the term) to hold "the office, holds an office in the Court of Bankruptcy." Mr. James Brougham, who Mr. Edmunds swears was the party indicated as intended to hold this office, was born on the 6th of May 1826, and was aged seven in 1833. In order that he might hold that office it must have continued to be held by Mr. Edmunds for fourteen or fifteen years; and then what security was there that Mr. James Brougham, then old enough perhaps to hold it, could have got it? Therefore that is clearly a very great mis-statement, and your Lordships will recollect that this statement of Mr. Edmunds is upon oath. Now I will trouble your Lordships to turn to question 1450, which is, "There was "no security, except Mr. James Brougham's honour, for the application of the balance "to the family of Mr. John Brougham?" The answer is this: "None whatever. "Mr. James Brougham, however, died at Christmas 1833, a few months after this transaction,

" transaction, and consequently no payment in money was made to him. Mr. James " Brougham paid the interest on the 5,000*l.* mortgage on Lord Brougham's account, " and, as his agent, to me, regularly, from 1827 to the middle of the year 1830. He " did not, however, pay the interest to me for the years 1831–2–3. I paid the interest " for those years to my sisters, to whom it was then due, out of my own funds " (salary, &c.), and I was required so to do by Mr. James Brougham. Mr. James " Brougham was therefore indebted to me 600*l.* on that account at the time of his " death." On the 16th of October last I received from Mr. Leman this paper, written by Mr. Edmunds, and which was the first intimation which I had of the construction he at that time was putting upon this arrangement. I need not at present or perhaps at any time trouble you with the whole of it.

Mr. W. Brougham. 27th Mar. 1865.

2306. Duke of *Somerset.*] What is that paper? Is it a letter?
It is a statement.

2307. By whom?
It is in Mr. Edmunds' handwriting, transmitted to me by Mr. Leman, and received by me on the 16th of October.

2308. Viscount *Hutchinson.*] If you propose to read a part of it, the whole of it ought to be put in?
I will put in the whole.

2309. Earl of *Derby.*] With what object was this statement sent to you?
It was sent to explain an arrangement which had been going on; but you will understand it when you hear the statement.

2310. Will you read it?

The same is read as follows:

" L. E. was appointed by L^d B. to the office of Clerk of the Patents in Aug 1833, he being informed at the time of appointment by Ja^s B^m that he was to hold the office in trust, to the amount of 300*l.* per an., for the benefit of the children of John B^m then deceased; that he was to pay 300*l.* out of the salary of 400*l.*; that L. E. was to retain 200*l.* per an. out of the 300*l.* in payment of int. on the mortgage of 5,000*l.* then subsisting and secured on Lord B's Cumberland estate, and to pay over to him (Jm^s B^m) the balance of 100*l.* in money by ½ yearly payments. Ja^s B. died ×mas 1833, a few months after the appointment to the office and the above-mentioned arrangement; and, therefore, no payment on account of the 100*l.* was ever made to Ja^s B. by L. E.

" Immediately after the death of Ja^s B., W^m B^m adopted and enforced the arrangement in all its particulars, recognized the retention by L. E. of the 200*l.* on account of interest on the mortgage, and directed L. E. to pay him (W^m B.) the balance of 100*l.* per an.

" From that time until the date of the new loan of 1,200*l.* in 1845, L. E. paid the balance of 100*l.* in half-yearly payments of 50*l.* to Bouveries' to the credit of W^m B^m by cheques upon Coutts' " to W^m Brougham, Esq^re, or bearer." These cheques were paid in all cases by L. E. himself over the counter, and in his own name (as appears in Coutts' pass books, and no doubt in Bouveries' also).

" From the date of the new loan of 1,200*l.* in 1845 L. E. deducted 42*l.* from the 100*l.* on account of interest (3½ per cent. on 1,200*l.*), and thenceforward from 1845 to 1863 paid to W. B^m's account 58*l.* regularly and in one yearly payment by cheque over the counter to the credit of W^m B^m paid by L. E.

" The mortgage dates in 1827, and interest thereon was regularly paid *in money* to L. E. up to the date of the appointment to the office in 1833. It will be seen that the endorsements on the mortgage deeds are duly executed. L. E. wrote a long letter to W^m B^m at Nice in Jan^y 1863, calling his attention to these particulars. W^m B.'s answer to this letter distinctly recognizes the mortgage.

" Another letter from W. B. to L. E. (14 June 1863), respecting the proposed transfer of the office to Henry Brougham, distinctly recognizes in terms the agreement as to the 300*l.* Copies of those three letters will be sent, if required."

The passage not in the evidence is as follows: " The mortgage dates in 1827, and " interest thereon was regularly paid *in money* to L. E. up to the date of the appoint- " ment to the office in 1833."

He says there that it was regularly paid in money, and he has sworn in his statement that he himself paid it to his sisters, and that therefore Mr. James Brougham owed him 600*l.* for those three years' interest.

Mr. W. Brougham.

7th Mar. 1865.

2311. Lord *Panmure.*] What proof have you of its having been paid in money?

He himself states that as the fact. On the other hand, he states upon his oath before your Lordships that Mr. James Brougham omitted to pay it, and that therefore he owed him, Mr. Edmunds, 600*l.* for those three years' interest. He stated last October to me in his own handwriting, that he himself was paid in money regularly up to the date of his appointment in 1833. There are a number of other points in this statement of Mr. Edmunds which I can contradict most fully, and to which I could give the most ample contradiction if I had the assistance of the evidence of Lord Brougham, because there are matters in which he is concerned, and in which his knowledge alone can throw any light upon the subject. The matters I refer to are entirely within his knowledge. I feel myself really in a considerable difficulty how to proceed, because if this were in a court of law before a jury, and I was attempting to discredit the evidence of a witness before you, I should do it by calling witnesses to show that he was not worthy of belief, and so on. Mr. Edmunds has carefully prepared and extensively circulated a statement, and has seized the opportunity of this inquiry, to introduce, with the sanction of an oath, a very elaborate and in all material points a very false statement seriously affecting my character. This statement will become part of your Lordships' Report; and it is really necessary, not only for my own vindication, but for the vindication of Lord Brougham, that I should have an opportunity of refuting it. I cannot do this without entering into an investigation of accounts and matters extending over a period of thirty years, and I certainly cannot do it at all effectually without the presence of Lord Brougham as a witness. I place myself entirely in your Lordships' hands. You must see how seriously our characters have been affected by the circulation of this statement. You are not supposed to know what the newspapers say, but the fact is none the less true that it has been noticed in the newspapers. I say that I ought to have an opportunity of meeting it, because no man's character has been more seriously attacked than mine has in this instance.

2312. Lord *Taunton.*] What are the particular statements you refer to?

It is impossible to say; it runs through the whole story.

2313. Lord *Stanley of Alderley.*] How do you wish to meet them?

By having time to examine into the accounts and title deeds and other matters, and to have Lord Brougham's presence to disprove many of the statements which Mr. Edmunds made. It is impossible for me to rest satisfied with my own statement upon the subject, because I am too much interested in the matter; though I hope I should speak the truth, that is not a satisfactory way of being acquitted.

2314. *Chairman.*] I understood you to say on your first day's examination that Lord Brougham was unacquainted with all these transactions?

Certainly; but there are statements made by Mr. Edmunds which Lord Brougham can at once negative.

2315. What sort of things do you refer to?

For example, he said at the end of a long statement, in answer to question 1532, "and "declares most positively that he" (that is Lord Brougham) "knows nothing of the "transaction, and that he owes no such sum." The Earl of Clarendon asks, in question 1533, "Lord Brougham said this?" The answer is, "Mr. William Brougham said that "Lord Brougham said this; it does not follow——(Earl of *Malmesbury.*) You mean "that it does not follow that he said it?—Yes; I believe that he did not." Now, my Lords, I do not want you to take my words upon this. I should call Lord Brougham to prove what he said, and what he dictated to me to write to Mr. Leman.

2316. Do you consider that there is the slightest charge against Lord Brougham there?

No; but there is a charge against me, that I told a lie. "Mr. William Brougham "said that Lord Brougham said this; it does not follow;" and in answer to Lord Malmesbury, "I do not believe that Lord Brougham said that;" although I had asserted that he did. That was Mr. Edmunds' statement; therefore I am distinctly charged with having told a lie. I can prove that I did not tell a lie, by the presence of a gentleman who was in the room, Lord Brougham; and I can prove afterwards that Lord Brougham dictated the letter I wrote to Mr. Leman, in which he says he knew nothing of the transaction. I cannot do that without Lord Brougham's presence.

The witness is directed to withdraw.

Ordered, That the Committee be adjourned till to-morrow, One o'Clock.

Die Martis, 28° Martii 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Mr. WILLIAM BROUGHAM is called in, and further examined as follows:

Mr. W. Brougham.

2317. *Chairman.*] With regard to your application to have Lord Brougham examined, I am directed by the Committee in inform you, that inasmuch as both yourself and all the other witnesses have been unanimous in stating that Lord Brougham knew nothing of the transaction which is the subject of our inquiry, and as the evidence which you require to get from Lord Brougham is of a collateral character, the Committee are unable to delay the inquiry for that purpose, especially as you stated three or four days ago that Lord Brougham was unable to leave Cannes. They cannot, therefore, consent to delay their inquiry for the purpose of examining Lord Brougham upon a subject which they consider to be merely collateral. Will you continue any statement that you have to make?

There are one or two papers that I have to give in. I have first of all to hand in what your Lordships required the first day I was examined, namely, the statement that was sent to Lord Cranworth. I can now put that in, if you still desire it. I do not care about it.

2318. Will you hand it in?

The same was handed in. (*Vide Appendix C., page* 387.)

I beg that this paper may accompany it, which is the agreement to refer the question of the 5,000*l.* mortgage to Lord Cranworth, and which, in its first state, contained the following words: "And, certain other debt of 1,200*l.* due from the undersigned William "Brougham to the undersigned Leonard Edmunds." Inasmuch as I had never disputed or questioned that transaction, I recommended that it should not be sent to Lord Cranworth, and that Lord Cranworth should not be troubled with it; and Mr. Edmunds, with his own hand (I did not see him do it, but Mr. Miller did,) struck out the lines that I have just read, and put his initials "L. E." against it in the margin. This statement appears in the notes of your evidence, and I should wish that arrangement of the paper to appear also. I should like it to appear exactly in this form, with the passage struck out.

The same was handed in. (*Vide Appendix D., page* 390.)

2319. Earl of *Derby.*] Your complaint is, that you never having disputed the fact there stated, and Mr. Edmunds having, with his own hands, struck out the statement as undisputed, it subsequently appeared as a matter to be laid before Lord Cranworth?

Mr. W. Brougham.
28th Mar. 1865.

Yes, without my having any knowledge whatever of the matter; consequently, if your Lordships ever take the trouble to read my statement to Lord Cranworth, you will find that I never refer to it. I confine myself entirely to the statement respecting the mortgage.

2320. Lord *Chelmsford.*] You may assure yourself that we shall read it; no doubt all the Committee will read it, it becomes part of the evidence.
I have no doubt of it.

2321. Lord *Panmure.*] The reference to Lord Cranworth was mutually agreed upon between Mr. Leman on the one part and Mr. Miller or you upon the other?
Just so.

2322. And from that agreement you had struck out certain words?
No; I struck out nothing.

2323. Mr. Edmunds struck them out?
Yes; he struck them out with his own hand.

2324. But with your knowledge?
No; I did not know that they were struck out till afterwards.

2325. Earl of *Clarendon.*] Nor till after it had been laid before Lord Cranworth?
No; the paper was referred to me in its present form, and I concluded that the subject was not to be brought before Lord Cranworth's notice, and I was exceedingly surprised when I heard afterwards that Lord Cranworth had taken that point into his consideration. In point of fact it really did not signify, for I had never disputed the debt. If I complained at all it was on this ground, that it looked like an attempt to give Lord Cranworth an impression that I disputed the debt; it was only on that account that I cared about it.

2326. *Chairman.*] Will you go on with any other statement you wish to make?
Your Lordships having decided that it is better to go on with the inquiry than to allow, perhaps, an indefinite delay, which, under the circumstances, might possibly be the result of waiting for Lord Brougham's evidence, because I have no objection to confess to your Lordships that in this present state of the weather I could not take upon myself to ask Lord Brougham to return to England, and the inquiry might therefore be put off till the time of his usual arrival, which is generally not before the middle of May. On this account I am perfectly content that the inquiry should go on; and for many reasons I had much rather that it came to a close quickly than have it hanging over from week to week, and from month to month, for an indefinite period. According to the best result that I can arrive at from this long statement of Mr. Edmunds, it appears that there are three charges against me. The first is that I substituted the debt of my brother James, for the children of my brother John, in the application of the 300*l.* a year. Now, if I had been contented to accept Mr. Edmunds' version of the arrangement, it is obvious that my pocket would have benefited by it, because I should have had 300*l.* a year to help me in the education and in the sending out in the world to Australia and elsewhere of my brother's children. Those expenses entirely fell upon me, and I was in no respect relieved from them, as I should have been if I had had the application of this 300*l.* a year or any part of it. But I may add, that if Lord Brougham had had any desire to benefit any of his family by this Patent Office arrangement, there was nothing to have prevented him, when the office became vacant by the death or Mr. William Henry Scott, the second son, I think, at all events a son, of the late Lord Eldon's, from bestowing it upon any member of his own family. He might have done, as Lord Northington did, who made it the subject of his daughter's marriage settlement. He might have done as Lord Eldon did, who gave it to his son, who held a sinecure, not of 400*l.*, but of nearly 4,000*l.* a year for many years. But, instead of that, he at once introduced a Bill into Parliament to abolish the sinecure, and converted it into a place of 400*l.* a year.

2327. The Committee are most anxious, as charges have been made against you, to hear anything you have to state upon them, but your own experience in other inquiries must guide you in not going into matters that you do not consider relevant to the inquiry?
The first charge is that I have substituted my brother James's debts for my brother John's children. I can only say that I had a firm and entire belief in the statement that Mr. Edmunds made to me, that the payment was intended to relieve the great embarrassments of my brother James's estate, and to that purpose I applied it. That I was correct in that view is, I think, somewhat confirmed by Mr. Edmunds' confession that he

he applied 200*l.* in keeping down the interest of a mortgage on my brother James's estate. I applied the other 100*l.* in the same direction; that is to say, if I had had an opportunity of going into the accounts, I could trace the payment of every shilling of that 100*l.*, first in relief of the interest of a mortgage, and latterly for twenty-five years in keeping afloat a policy of insurance to come into effect at Mr. Edmunds' death, and to go towards the relief of the principal of the debt.

2328. Earl of *Derby.*] I think I understood you to say before, that you believed that the mortgage of 5,000*l.* was upon your brother James's estate; that it was in point of fact a debt of his?

Yes, certainly.

2329. Then according to your own interpretation the whole of the 300*l.* a year which was abstracted from the salary of Mr. Edmunds was applied to the relief of your brother James's debts?

Yes, every shilling of it.

2330. Lord *Chelmsford.*] Was the object of effecting that policy of insurance to cover the contingency of Mr. Edmunds' dying, and the 300*l.* a year ceasing?

Yes, certainly. When Mr. Edmunds died, in consequence of the 300*l.* a year ceasing there would have been then no fund out of which to pay the interest of that debt. The object, therefore, of that policy, which I have held from the day I effected it to this, and which I shall still keep up, was entirely to meet that contingency.

2331. Duke of *Somerset.*] As I understand, your brother James made an arrangement with Mr. Edmunds that a certain portion of Mr. Edmunds' salary should go to pay his debts. He made that arrangement himself, did he not?

So it has always been represented to me, but your Grace must not forget that I knew nothing about it.

2332. You accepted that arrangement as a fact?

I accepted that arrangement as a fact upon Mr. Edmunds' statement of it to me in the latter part of the autumn, I think it was, of 1834.

2333. You saw nothing improper in that arrangement?

I saw nothing improper in it, because I considered, knowing the extreme embarrassments and liabilities which my brother James' estate was subject to, that there was nothing improper in accepting a relief, if I may so put it, at that time. Much has been made of the rapacity of Lord Brougham and myself in taking three fourths of Mr. Edmunds' income from him. Now I beg you will not forget that at that time Mr. Edmunds held two other offices, the united salaries of which were 1,100*l.* a year.

2334. Earl of *Malmesbury.*] It was in 1834 that you first became acquainted with this arrangement?

In the autumn of 1834. My impression is, that it must have been in the month of November, because I remember being brought to town upon matters connected with the resignation of Lord Melbourne, in very bad weather; my impression therefore is, that it was then that I was informed of it.

2335. Duke of *Somerset.*] As I understand you, for those thirty years, from 1834 to the autumn of 1864, although you and Mr. Edmunds were living most intimately with Lord Brougham, and although Lord Brougham as well as yourself was very much embarrassed by the debts of his late brother, Mr. James Brougham, yet this subject was never mentioned between you, and that Lord Brougham was totally ignorant of it?

It was never mentioned to Lord Brougham, and in that I am certain he will confirm me. It was never mentioned between Mr. Edmunds and myself, from first to last, with this exception, that when I found it expedient to release the 100*l.* by an arrangement, which I think I mentioned to your Lordships on the first day I was examined, and I considered that the best use to make of it was to apply it to the payment of the premiums upon the policy of insurance which I afterwards effected. I then spoke to Mr. Edmunds, and told him what was my idea, and he entirely concurred with me, and attended at the office of the Law Life Assurance Society for the purpose of being examined, and having his life passed for the assurance. That, therefore, was a portion of the matter which we discussed somewhere about the year 1839 or 1840. I am not certain of the date.

2336. Earl of *Malmesbury.*] Considering that for thirty-two years you knew of the arrangement, what reason had you for not saying anything to Lord Brougham upon the subject?

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It is rather difficult to answer that question. I suppose one did not think it a very pleasant thing to talk about.

2337. As you saw no objection to the arrangement, had you any other reason for keeping it from Lord Brougham?

No; I had no other reason. I discussed money matters, which I took upon myself, very little with him at any time.

2338. Lord *Taunton.*] Am I right in supposing that the interest upon the 1,200*l.* which you borrowed of Mr. Edmunds was also paid out of Mr. Edmunds' salary?

It was paid in this way; he paid the 100*l.* less the interest.

2339. Lord *Chelmsford.*] Less, 42*l.* a year.

Yes. He proposed that himself. He said it is simpler than paying the 100*l.* and getting back 42*l.* Your Lordships must understand that it was not an additional payment.

2340. Lord *Stanley of Alderley.*] It was a portion of the 300*l.* a year?

Yes.

2341. It was not employed for the payment of Mr. James Brougham's debts?

I had to make it up by paying the remainder of the premium myself; that is, by making up the premium to the 98*l.*, or whatever it was.

2342. Lord *Chelmsford.*] What was the premium? Was it 100*l.*?

Very nearly; within 30*s.* or so; as near the 100*l.* as the office would insure a round sum for.

2343. Then you had to make up the 42*l.* retained by Mr. Edmunds to pay the interest of the 1,200*l.*

Certainly. I paid the premium, and therefore it came to that.

2344. Duke of *Somerset.*] Do I understand you to admit that in 1863, in a negotiation that you were conducting or attempting to conduct, you proposed that your son should receive the office, and that the salary of the office should still be chargeable with 300*l.* a year, as before?

I was conducting no such negotiation. The proposal was made by Mr. Edmunds to me in the first instance in the month of June 1863. It was while the first inquiry was going on, directed by the Commissioners of Patents, the Lord Chancellor, the Master of the Rolls, the Attorney General, and the Solicitor General.

2345. Did you not propose that your son should hold the office, and that the 300*l.* arrangement (I think those were the words) should go on being chargeable upon the salary of the office.

That it should continue.

2346. That is to say, that for another generation the office should be again charged with the payment for Mr. James Brougham's debts?

I did not propose that. Mr. Edmunds said, "Of course, he will carry on the arrange-
"ment as I have done."

2347. But you were a party to his so carrying it on, as I understand?

Carrying on the arrangement, if my son had got that office, merely meant that as a member of the family he would have contributed towards the payment of his uncle's debts; it was really and simply that.

2348. That is to say, that for another generation that office would have contributed towards the payment of Mr. James Brougham's debts?

The holder of the office might have spent the money as he pleased; but being one of the family it would have been natural that he should have contributed to the payment of his uncle's debts.

2349. Earl of *Derby.*] I think until the arrangement was completed, the holder of the office was to have known nothing of that arrangement, was he?

Certainly not; it was not to have been talked about.

2350. Then it was not a voluntary contribution on the part of your son, but a condition upon which he was to be allowed to hold the office?

No; no condition would have been made. We should have said, when he got the office, "We put it to you to continue this arrangement." It was a voluntary payment by Mr. Edmunds from the first.

2351. Lord *Chelmsford.*] You will understand, as a lawyer, that it was not a condition precedent, but a condition subsequent?

Yes; but there would have been no alternative presented to my son such as this,— unless you consent to this arrangement you shall not have the office.

2352. Duke of *Somerset.*] You state in your letter of the 14th of June 1863, "Pray bear in mind that in talking to Henry, or Miller, or Lord Brougham, you are in "the same story with me, viz., that the actual gain to Henry is 900*l.* a year. It will "not do to mention to any one at present our 300*l.* arrangement?"

Just so. There was no necessity for talking about it, more especially as the whole thing went off. The second charge, as I make it out, against me, is very much in these terms; that I put the whole of the money (referring to the 300*l.*) into my own pocket. Now, I again state, most emphatically, that I never put one farthing of that money into my own pocket. That I never directly or indirectly benefited, and that I never can directly or indirectly benefit by that transaction. The whole of the money was applied part by Mr. Edmunds, and part by myself, in the relief of the liabilities of my brother James. No part of it ever went into my pocket. The third charge is, that I repudiated a debt, and afterwards that I resisted it on the ground of the interest not having been paid.

2353. Lord *Panmure.*] What debt are you speaking of?

The 5,000*l.* debt; the debt in question. I never repudiated the debt. I considered that there was a debt due to the Edmunds' family, in respect of which the interest had been paid; but Lord Brougham did repudiate the debt, when a claim was made against him as being a debt of his own; he not only repudiated it, but he directed me to write this letter upon the first application, I think it was, of Mr. Leman, in this respect. This is a copy of the letter which he dictated to me.

2354. Earl of *Clarendon.*] What was the application of Mr. Leman to which that was an answer?

It was referring to the 5,000*l.* mortgage upon the Brougham property.

2355. Lord *Chelmsford.*] What is the date of that letter?

The 14th of October 1864, referring to the mortgage upon the Brougham property, and sending two drafts; the drafts of the two endorsements upon the mortgage deed. This is the answer.

The same was handed in, and is as follows:

"My dear Leman, Brougham, Penrith, 14th October 1864.

"Until I read the two drafts you sent me to-day, I had not the most remote idea that I had been made use of as a trustee in the transaction of the drafts referred to. Lord Brougham has read over the drafts, and declares most positively that he knows nothing of the transaction, and that he owes no such sum."

2356. Earl of *Derby.*] That letter has been put in?

You have only the latter part of that letter, I think. Lord Brougham, I firmly believe, (I only wish he was here to tell his own story,) was convinced that there was no debt due from him, and he directed me to resist that debt to the utmost, and in writing to Mr. Leman to be cautious not to admit it. I, knowing myself that there was a bonâ fide debt due in some respect or other to the Edmunds family, so far from repudiating it, offered to take it upon myself; but it was a voluntary offer to take upon myself the liability of another's debt, and that offer was therefore made upon certain conditions.

2357. Were those conditions that you would recognise the debt of 5,000*l.* provided that he would come to an arrangement with regard to the 1,200*l.*?

I daresay that was one of them, but they were, generally speaking, by Mr. Miller. Ultimately, on the 8th of November 1864, I executed a memorandum, drawn up by Mr. Leman, in which I undertook to set up, as he called it, the mortgage; that is to say, I took it upon myself. I executed that paper, and sent it to London without any condition whatever. If your Lordships will permit me I will hand it in.

The same is handed in, and is as follows:

"Memorandum. All interest in the sum of five thousand pounds secured on the estate of Lord Brougham in the county of Cumberland, called Howes, by deed of mortgage of the first day of March one thousand eight hundred and eleven, between Henry Brougham of the first part, Eleanor Brougham of the second part, James

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Brougham of the third part, and Margaret Robinson and Ann Robinson of the fourth part, and which mortgage debt is now, by two deeds of assignment of the first day of September and the sixth day of September one thousand eight hundred and twenty-seven, endorsed on the said deed of one thousand eight hundred and eleven, vested in Leonard Edmunds as surviving trustee of Mr. Edmunds deceased, has been paid by William Brougham (on account of Lord Brougham) to Leonard Edmunds, as surviving trustee, up to Midsummer last, so that the said principal sum of five thousand pounds, together with interest thereon from Midsummer last, only remains due on the above securities. As witness the hands and seals of the said William Brougham and Leonard Edmunds, this eighth day of November one thousand eight hundred and sixty-four.

" W. Brougham."

" Signed and sealed by the above-named
William Brougham in the presence
of Wilfrid Brougham."

When Mr. Miller received that memorandum, for reasons best known to himself he proposed that upon my signing that agreement the private letters in Mr. Edmund's possession should be given up. That was objected to, and therefore this offer of mine, which I made myself, and without any condition, fell to the ground, and then came the reference to Lord Cranworth. Before Lord Cranworth, acting under Lord Brougham's direction, I resisted the debt. Lord Brougham was perfectly well aware of the reference upon the subject of this mortgage, and sent to Lord Cranworth a paper saying that he consented to and agreed to the reference as regarded this mortgage. One of the statements that have been made is, that Lord Brougham knew nothing about the reference. If I had Lord Brougham here as a witness, I would call upon him to prove the circumstances under which that repudiation of the debt by him was made. If your Lordships would think it advisable, I can, although I myself do not think affidavits a very satisfactory description of evidence, get from Cannes, probably before your labours are concluded, an affidavit to that effect, if your Lordships direct it; if not, I will not trouble you with it.

2358. I do not think anybody doubts that Lord Brougham bonâ fide believed that there was no such mortgage?

Just so; then it is unnecessary to procure an affidavit. A great deal has been said (indeed I feel it myself) about its being a shabby thing to set up the Statute of Limitations. I can only say, as far as I am concerned, that I set up no Statute of Limitations for myself. It was done entirely as resisting a demand which was made against Lord Brougham. I was all the time proposing to take the debt upon myself, sometimes under one set of conditions and sometimes under another.

2359. Was not one of the proposals you made that Mr. Edmunds should take in satisfaction of this debt of 5,000*l.* the insurance policy which you had effected?

Yes; I keeping it up.

2360. That was one of the proposals, was not it?

I believe it was; but, as I said before, I was hardly ever in London at the time. I was very much occupied at Carlisle and elsewhere, and all that sort of negotiation was conducted by Mr. Miller. I do not mean to say that I repudiated it. On the contrary, I should have accepted anything he proposed.

2361. Viscount *Hutchinson.*] I think you stated that it was on the 20th of October that the mortgage was discovered at Brougham?

I think it was; it was on a Sunday, about the 20th of October.

2362. I find that on the 24th of October, which was subsequent to that date, and therefore subsequent to the period at which you had found the mortgage, and knew the fact of the existence of the mortgage, Mr. Miller writes to Mr. Edmunds, and proposes to put an end to all these matters, saying, " I would suggest that (say by 1st December) " Mr. B. should pay off the 1,200*l.* loan, and that, in extinction of the 5,000*l.* mortgage " he should assign to you, or to whomsoever can give a release, the policy of insurance, " with all business, present and future, and should release you from all further payments " in respect of the 300*l.* arrangement, which, estimating your life at only 10 years, is " equal to another 3,500*l.*" I want to know whether that offer was made by Mr. Miller with your concurrence and approbation?

If I did not hear of it at the time, I heard of it afterwards, and therefore, to that extent, you may say it was made with my approbation. I was not at home at that time.

2363. At that time you were aware of the existence of the mortgage, and you knew that the mortgage had been signed by Lord Brougham in 1811, and that consequently it was a legal and proper charge upon his estate?

No; after we had found the mortgage. The moment Lord Brougham saw it, he said he might have signed it; but it was not a mortgage upon his own estate. He had made over the estate to his brother in 1810; and he had never received a farthing of the money; and if the sum was borrowed at all, it was borrowed by his brother James.

2364. Am I to understand that even after the 20th of October, when this mortgage was discovered, Lord Brougham repudiated his liability to the mortgage?

Certainly he did. The debt was still existing, and I was perfectly willing that it should be paid; but he always disputed it from the first, as a debt due from himself.

2365. Lord *Chelmsford.*] To this mortgage of 1811 Lord Brougham is a party of the first part?

Yes.

2366. The party who grants, bargains, sells, and demands?

Yes.

2367. He is the person, therefore, who is the principal mortgagor? There is nothing upon the face of the deed (I put it to you as a lawyer) to show that Lord Brougham was merely a surety?

No; but Lord Cranworth has investigated all that.

2368. I was merely calling your attention to this circumstance, that it appears in the indenture itself that Lord Brougham is the mortgagor. He is the granting, bargaining, selling, and demising party, and the covenants are by him "and the said Henry "Brougham" (that is, Lord Brougham,) "entered into the usual covenant for title?"

Yes. I made a mistake just now in saying that Lord Brougham had seen the deed when we found it, for I remember now that he never saw it. He was not at home then. He was told of it afterwards.

2369. What deed do you mean?

The mortgage deed. He never saw it at that time. In answer to Lord Donoughmore's question, I said that Lord Brougham had seen it. That was not so. I ought to correct that statement. He has never seen the mortgage deed to this day, but he now knows of its existence. When I say that he has never seen it, of course he must have seen it in 1811; but between 1811 and the present time he has never seen that deed. I am quite certain of that. But I have no doubt he said, "I have never paid any interest "upon this money. I never borrowed the money or got the money, and therefore I "repudiate it as a debt of my own."

2370. Earl of *Malmesbury.*] Did he mean that he repudiated it legally, or did he merely mean that he repudiated it in the sense that he had never benefited by it?

Of course that he had never benefited by it.

2371. Lord *Stanley of Alderley.*] Was not the 5,000*l.* a mortgage upon the estate of Mr. James Brougham, which estate, of course, Lord Brougham inherited with its engagements?

No; it was a mortgage upon an estate which Lord Brougham made over to his brother the year before the mortgage was executed.

2372. He resumed that estate upon the death of his brother James, did he not?

Yes; and he has from that day to this directed that all the rents of that estate should be applied to the payment of his brother's debts; he has never received the rents.

2373. In the first instance, would not the liability have been to pay over the rents for the interest of the mortgage upon that estate?

Certainly; but as no claim was made for the interest of that mortgage during the time when Mr. Edmunds was paying it, the rents came free from all charge to Lord Brougham, but they were not put into his pocket. They were directed by him to be paid in relief of his brother James's liabilities.

2374. When Lord Brougham resumed that estate, on his brother's death, did he suppose that he resumed it free from all incumbrance?

He presumed that he resumed it free from any such incumbrance as turns out to have been upon it all the time. I have no doubt of that.

2375. Lord *Chelmsford.*] I cannot understand when Lord Brougham became possessed of any knowledge with regard to the existence of this particular mortgage of 1811?

On the 20th of October. I am not sure of the date; somewhere about that time.

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2376. Not before that time?
No; certainly not before that time. I may say that I have not a doubt that the mortgage deed and all the title deeds relating to the estate had been in the muniment room at Brougham from the time the mortgage was made. I do not believe that they had ever left it.

2377. When the mortgage was transferred in 1827 you were a party to that deed?
Yes; that is to say, old Mr. Vizard brought me in a deed to sign, telling me that I was wanted as a trustee in a transfer, and I signed the back of the deed, but I never saw the face of it. I signed it in perfect ignorance of what its contents were. Your Lordships are aware that old Mr. Vizard had been our family solicitor for a great many years, and one does anything one's solicitor asks one to do. I really have nothing more to say upon this subject. I do not know whether your Lordships wish to have any information upon the matters connected with the resignation question, in consequence of its having been stated that Mr. Leman asked for three or four days' additional delay in order that he might "get an answer from abroad," or some words to that effect.

2378. *Chairman.*] Can you give the Committee any information upon that point?
It is just possible that your Lordships might suppose that I had been mixed up with that question, and that I was corresponding with Mr. Leman on the subject. That is not so. I received on the 9th of February (that must have been the date) a letter from Mr. Leman, written probably some short time after the second claim of the Treasury for 9,000*l.* and some odd hundred pounds, which I believe is still under discussion. In that letter he proposed that if I would guarantee Mr. Edmunds from all claims by the Treasury, present and future, and transfer to him the policy of insurance, he would give up all letters, and that everything should be kept quiet.

2379. Lord *Chelmsford.*] Have you got that letter?
Yes; I have it here.

2380. *Chairman.*] Will you read the letter?
I ought to say that I took no notice whatever of that letter, and also that I had not written to Mr. Leman for months before.

2381. Earl of *Derby.*] What is the date of that letter?
The 6th of February. I got it on the 9th, I know.

The same is handed in, and read as follows:

Private and Confidential.

"51, Lincoln's Inn Fields,
"My dear Mr. Brougham, London, W.C., 6th February 1865.

"I have seen Mr. Miller to-day, who has read to me your letter of the 3d instant.

"If, in consideration of the 9,300*l.* you have received from L. E. out of his salary as Clerk of the Patents, you will undertake to indemnify him (L. E.) from any further payments found to be due and required from him by the Treasury, beyond the sum of 7,872*l.* already paid by him to the Exchequer (September last), and will also transfer to him the policy of insurance effected on his life for 3,000*l.*, I will hand over to you all the original letters, &c. in your handwriting relating to the payment of the 300*l.* a year, and other arrangements connected with the holding by L. E. of the office of Clerk of the Patents to which he was appointed in 1833.

"I have been in communication with the Lord Chancellor on the subject of the Reports against L. E., and his (the Lord Chancellor's) threatened proceeding thereon in the House of Lords, but I have not disclosed to him, in any way, the arrangements made between your brother James, yourself, and L. E., and I think if you agree to the above arrangement all matters may be quietly and easily adjusted; but I must have your distinct answer to this proposition *here*, on or before Friday *next*. You may telegraph at the same time you write at length by post.

"I am,
"My dear Mr. Brougham,
"Very truly yours,
"James Leman."

"I conclude from yours to Miller, that you have had mine of the first instant.
"Wm. Brougham, Esqre."

I remember

Mr. W. Brougham. 28th Mar. 1865.

I remember that letter which he refers to. I am not certain. I did not answer it; it was merely to tell me that there vere reports that the whole of these patent questions relating to Mr. Edmunds, and every thing connected with them, would probably be referred by the Lord Chancellor to a Committee of the House of Lords, and then saying it is very possible you may be wanted, or something of that kind.

2382. Earl of *Derby.*] What is the meaning of this:—"I have seen Mr. Miller to-day, who has read to me your letters of the 3d instant."

I presume it was a letter I wrote to Mr. Miller, something to this effect:—If you see Mr. Leman, tell him if there is a Committee, or if Mr. Edmund's matter is referred to a Committee, I have taken steps to ensure my being present, or my being summoned, or my being heard as a witness; in short, to ensure my being heard before the Committee. I presume Mr. Miller read that letter to Mr. Leman. I remember writing that.

2383. Duke of *Somerset.*] I see in this letter, "I have been in communication with the "Lord Chancellor on the subject of the reports against (L. E.) and his (the Lord Chan-"cellor's) threatened proceedings thereon in the House of Lords, but I have not "disclosed to him in any way the arrangements made between your brother James, "yourself, and L. E." That looks as if you as well as your brother James had been aware of the arrangement made with Mr. Leonard Edmunds by your brother James originally?

I was made aware of it by Mr. Edmunds himself in November 1834. Of course I was aware of it. I have been aware of it for 31 years.

2384. You were aware of it then while your brother James lived?

Certainly not; not for very nearly a year after his death.

2385. Then how could it have been an arrangement between your brother James, yourself, and Leonard Edmunds?

That may be Mr. Leman's way of putting it. I knew nothing more of that arrangement than your Lordship did. You may take that impression from the letter, but I assure you it is an erroneous one.

2386. *Chairman.*] Is Mr. Leman your solicitor?

Certainly; at least he was.

The witness is directed to withdraw.

Mr. A. Montgomery.

Mr. ALFRED MONTGOMERY is called in; and having been sworn, is examined as follows:

2387. *Chairman.*] I believe you have been for many years an intimate friend of Lord Brougham?

I have.

2388. It has been stated to the Committee by Mr. Leonard Edmunds that you stated to him a short time ago that Lord Brougham had on one occasion, some years since, in conversation, and answering an observation made by him, to the effect that he (Mr. Leonard Edmunds) was very lucky in getting two offices, replied that the income of one of those offices, namely, that of the Clerk of the Patents, was held by him (Mr. Leonard Edmunds) for the benefit of his brothers and sisters, and that he (Lord Brougham) had so disposed of the office because his father, being an intimate friend, had lost his life by an accident in what might be considered his (Lord Brougham's) service?

That is perfectly inaccurate. I never made any statement to him of that description. I said that I had heard Lord Brougham in conversation state that he had in providing for Mr. Edmunds considered that he was at the same time enabling him to take care of his family; that was the only statement I remember. I never heard anything in connexion with any particular officer or the salary of any office.

2389. Earl of *Malmesbury.*] That was referring to his, Mr. Edmunds', family?

Yes; it referred to Mr. Edmunds' family.

2390. Earl of *Derby.*] Do you remember any conversation in which the observation was made by Lord Brougham that Mr. Edmunds was very fortunate in holding two offices?

I cannot recollect out of what this observation which I have repeated of Lord Brougham's sprang. I do not recollect exactly the conversation; it happened ages ago.

Mr. A. Montgomery. 28th Mar. 1865.

2391. *Chairman.*] You did not make that statement a short time since to Mr. Leonard Edmunds which I have read to you from his evidence?
No.

2392. Viscount *Hutchinson.*] You did not make the statement which he alleges you made?
No; I saw the statement which has been before the public; indeed I saw that statement of Mr. Leonard Edmunds' at Mr. Leman's, and I said to Mr. Leman at the time, "This is perfectly inaccurate." I never made any statement of that description; all I stated was, that I understood from Lord Brougham that in providing for Mr. Edmunds he considered that he had enabled him to take care of his own brothers and sisters.

2393. *Chairman.*] You have been sufficiently intimate with Lord Brougham to know how far he has been mixed up in the management of his own affairs, with regard to receipts and payments?
Yes; I should say that his brother had absolute control over everything, and that he was in the entire management, certainly, of the whole of his estates, and the establishment at Brougham Hall, and everything; he always appeared to have the entire management of them, more so than Lord Brougham; in latter years at all events.

2394. Had he the superintendence of all the details of receipt and expenditure?
I believe so, really. I am not in a condition to answer quite accurately.

The witness is directed to withdraw.

Mr. L. Edmunds.

Mr. LEONARD EDMUNDS is called in, and further examined as follows:

2395. Earl of *Derby.*] Before you make any statement that you may wish to offer to the Committee, I wish to ask you one question with regard to a discrepancy which appears between your evidence and a statement which Mr. William Brougham has put in. I believe that is in your own handwriting, is not it (handing a paper to the witness)?
Yes.

2396. You stated in your former evidence, with regard to the interest of the 5,000*l.* mortgage, that up to 1829 or 1830 the interest was regularly paid, but that for the last three years of Mr. James Brougham's life the interest was not paid, namely, during the years 1830, 1831, and 1832, and that when he died in 1833 he was consequently in your debt to the amount of 600*l.*
Yes.

2397. I find in this statement, which is in your handwriting, "The mortgage dates "in 1827 and interest thereon was regularly paid in money to L. E. up to the date "of the appointment to the office in 1833; it will be seen that the endorsement on "the mortgage deeds are duly executed." How do you reconcile that statement in your own handwriting with what you stated before the Committee, namely, that for the last three years the interest was not paid?
I have no doubt that at that time I had forgotten it, it being such a long period of time.

2398. When was this paper written?
It must have been written very early in October.

2399. In October last?
Yes; in October last. It is dated the 16th of October 1864. It is referred to and enclosed in a letter to Mr. Brougham.

2400. Then at that time you were under the belief that there had been paid up to 1833 the full amount of the interest on the mortgage?
Yes, certainly.

2401. When did you first become acquainted, after the lapse of thirty years, with the fact that the sum of 600*l.* was still owing to you, and had not been paid?
After this period, 16th October, upon further consideration, I did recollect the fact that Mr. James Brougham had asked me to pay this interest; in fact, to advance that money for him.

2402. Out

2402. Out of what?
Out of my salary as Secretary and Purse Bearer at that time. That was brought back to my recollection.

2403. Viscount *Hutchinson.*] Have you any written memoranda upon the subject?
No, nothing whatever.

2404. Earl of *Clarendon.*] When did you first become Purse Bearer?
In November 1830. When I wrote that memorandum and sent it to Mr. Brougham, at Brougham, it did not occur to me, and I did not recollect the fact.

2405. Earl of *Derby.*] If it did not occur to you, or if there was any doubt in your mind, or in anybody's mind, what was the reason why you recited that up to the year 1833 "interest was regularly paid in money to L. E.?"
I believed that it was so at that time; it was after that, when I was writing the statement to be laid before Lord Cranworth, that it came to my recollection that this interest had been paid by me on account of Mr. James Brougham.

2406. When did you make out that statement to Lord Cranworth?
Subsequently to this, in November.

2407. Therefore, in October, you sign a memorandum stating that the money had been paid up to 1833, and though a period of thirty-four years had elapsed it was only a month afterwards that you came to the conclusion that this payment was not made?
It came to my recollection.

2408. Duke of *Somerset.*] Did it come to your recollection from any examination of your accounts?
No, it did not appear in any accounts.

2409. You trusted your memory?
Yes; I trusted my memory. I had no banking account at that time.

2410. Earl of *Clarendon.*] When you made that statement in the memorandum, did you not endeavour to remember whether it had been paid or not?
No; I have no very distinct recollection of that in the hurried memorandum that I wrote out, it was done in one morning. I gave it to Mr. Leman to communicate to Mr. Brougham. That memorandum was not written out with the same consideration with which I wrote out the statement for Lord Cranworth.

2411. *Chairman.*] You have requested permission to appear again before the Committee, will you be good enough to state for what purpose?
I wish to refer back to my evidence at page 53, question 526.

2412. Lord *Panmure.*] What is the question?
The question is, "Is the pass book book balanced from time to time?" I made a long answer to that question; and I find that, from the manner in which I expressed myself, my answer is confused, and almost unintelligible as it stands. With your Lordships' permission I wish to make an amended answer, but not in any way to alter the meaning I intended to convey in that answer.

2413. Lord *Chelmsford.*] You will understand that you cannot substitute that corrected answer for the original one. You may correct your original answer upon your oath, by stating any explanation of it?
I do not mean to correct it; but I mean, if your Lordships will permit me, to make a statement in explanation of that answer. The statement I wish to make is this: I find that upon the 24th June 1853, there was a very considerable balance. I am not sure that I can give the figure your Lordship wants exactly. At the period of the last payment there was evidently a deficiency of about 2,700*l.* I do not put forward any excuse. I have candidly admitted everything. I wish to admit and to state everything truly. In the year 1853, I had as much as 21,600*l.* pass through my hands under the new Act, in receipts and payments, in numerous sums, under the order of the Treasury. There was money enough to meet any amount of payments due in that year, and more than enough. I say that, by accident, certainly not by design, I unfortunately did not, within that year, 1853, pay any sum over to the Consolidated Fund. Discovering that error in the following year, 1854, I became alarmed, and fearing the heavy labour of investigating the large unaudited accounts of twenty years. I did, in what may be truly designated folly and cowardice, again intermit payments, I paid nothing in the following year 1854, looking forward and conceiving, or rather hoping,

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that I should be able, at no distant period, to extricate myself from the difficulty. The difficulty and embarrassment, however, became greater in each succeeding year. I was afraid, foolishly afraid, of recommencing payments after having intermitted for so long a period, lest the whole question of these unaudited accounts should be raised. So, unfortunately, I let things go on from bad to worse, having, however, always at my command, onward from 1852, the date of the last payment and up to August last, when the balances were made good in the Patent Office Account, monies much more than sufficient, and at immediate call, to pay any amount of deficiencies that might have been found at any moment through all these years. I was under no money pressure during all those years. I took nothing from the separate Patent Office Account, as the pass book proves. I admit that my conduct has been improper and careless, and on that account indefensible, but at the same time I assert, and most truly and conscientiously assert that I never had the most remote intention of appropriating to my own use one farthing of the large balance accumulating and lying dead in this separate Patent Office account, as is charged by Messrs. Greenwood and Hindmarch. The state of the balances and account fully prove that. For the last eight years not a single sixpence has been touched in any shape whatsoever. No transfer has been made, not even to rectify an error. The largely increasing balances have laid dead, and the sum of 2,681*l.* found due by Messrs. Greenwood and Hindmarch formed part of the rolling fund so lying dead. Early in 1863, two years back, I endeavoured to extricate myself from this embarrassment by a resignation of the office, taking the superannuation allowance, in the manner stated in my answers to the Preliminary Report (30th September 1864), and that resignation would undoubtedly have been effected but for the interference of another person, who, in endeavouring to obtain the office, put the resignation question aside, and unfortunately I then missed the opportunity of extrication, and of paying over the balances for which I had so long hoped.

2414. Earl of *Clarendon.*] You state that you never appropriated or made use of any portion of the public money that was lying at the bankers. Does not it appear that you made considerable loans at different times to Mr. Leman for which he paid you interest?

If you will allow me, I am going to speak upon that subject.

2415. Duke of *Somerset.*] When did you make your first loan to Mr. Leman?

It was the 3,000*l.* which I left in his hands ever since 1845.

2416. *Chairman.*] Did you lend it to him as a friend, or did you put it into his hands as a solicitor to invest for you?

I gave it to him in the first instance to invest in 1845, but I left it with him as a friend; he paid me interest upon it; it was my own money.

2417. Duke of *Somerset.*] When you found yourself in 1853 in this embarrassment from what you call most absurd cowardice, did you not at that time think of consulting Mr. Leman as to what you should do?

I did not.

2418. He was your friend and solicitor, but you did not consult him in any way?

I did not consult him at all then. I have a statement to make upon that point.

2419. Lord *Taunton.*] Had you taken any means of providing that if you had died at that time with your accounts thus unsettled the public should not be the losers?

No doubt if I had died my successor would have immediately found this account at Coutts', and upon that there would have followed, undoubtedly, an investigation of the accounts, and I had assets sufficient to meet any claim. Suppose I had died at that time, in 1853, there would have been a demand made undoubtedly, but I had assets sufficient to meet it, namely, this sum of 3,000*l.*, and other sums, for instance the 1,200*l.* which was lent to Mr. William Brougham, and which it so happens was lent in the same year in which I deposited the 3,000*l.* with Mr. Leman. In fact both sums came from the same source.

2420. *Chairman.*] I think you have already stated that Mr. Leman repaid to you that 3,000*l.*?

I have a memorandum, if you will allow me to read it, in which I make answer to both questions that your Lordship has put to me. Referring to my evidence at page 55, question 546, I wish to make this statement. It relates to the question of the affidavits which are said to have been transmitted by me to the Treasury. The first affidavit, delivered to the Treasury in January 1834, appears to be in the form of all the succeeding affidavits, both of all those left at the Treasury and of all those

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those which are in my possession. It was evidently made on the form of the Suitor's Fund affidavit, this affidavit of January tallies almost exactly with the form said to have been transmitted by the Treasury on the 24th of May following; four months later. Referring to my evidence at page 65, question 671, I wish to state, in addition to my answer, that the money in Mr. Leman's hands was not public money in any shape whatever. It never came out of any public fund. I lent no money to any one out of any public fund at any time. Mr. Leman has no money of mine in his hands at this time. He has not had any money belonging to me since the month of July last. He repaid to me the whole of the money left by me in his hands early in that month at my request, and in addition he then lent me 1,000*l.*, and which sum I now owe to him.

2421. Lord *Chelmsford.*] You mean by that, that you did not draw money from the Patent Office Account for the purpose of advancing to Mr. Leman—that is what you mean?

Yes.

2422. At the time when you made your payment to the Treasury of 7,872*l.* there was a deficiency in the Patent Office Account. There was only 4,681*l.* there. You have told us that, in order to make up the difference between that sum, which was the balance to your account in the Patent Office Account and the sum you paid to the Treasury, you were obliged to call in money which was in the hands of Mr. Leman, who was paying you interest for it. That is the fact, is not it?

Yes. It was not 4,681*l.*, it was 5,800*l.* that was in the Patent Office Account at that time.

2423. We have got it stated as 4,681*l.* There was a deficiency in the public money which you were bound to pay, and that public money, or that which represented that public money, was in the hands of Mr. Leman, he paying you interest for it?

To the amount of 1,900*l.*, that was the sum that I drew from Mr. Leman.

2424. Take any amount you please, that does not signify?

That sum of 1,900*l.* was to meet the deficiencies and losses which I paid, and which I calculated at 1,400*l.* I never deducted anything from my payments on account of losses. I will now proceed with my statement. In these money transactions between Mr. Leman and myself, Mr. Leman never knew at any time that there were any pecuniary questions between me and the Treasury until I put into his hands the Preliminary Report of Messrs. Greenwood and Hindmarch on the 26th of July last, which was subsequent to the repayment by him to me of all the monies belonging to me in his hands. The deposit of the 3,000*l.* by me to Mr. Leman was in 1845, long previous to 1853, and it was an ordinary investment of my own monies, part of a larger sum, but always at call. It was never touched or reduced till February 1863, when I drew 1,450*l.* upon Mr. Leman and paid that sum to the Patent Office Account, believing at that time that it would cover the whole of the deficiencies. I had then in contemplation the resignation of the office. That is all I have to say upon that point. There is one thing I wish to state, namely, that Mr. Hindmarch's observations of the 1st November were never seen by me until after they were referred to this Committee.

2425. Lord *Chelmsford.*] You have stated that already?

Yes. I beg to ask the Committee that, as I have never had an opportunity of answering, or, indeed, of looking into these observations, they may not be reported amongst the papers.

2426. Lord *Chelmsford.*] They must be reported?

I had hoped that under the circumstances that might not have been done.

2427. Lord *Taunton.*] Mr. William Brougham has just told us that in the reference to Lord Cranworth you with your own hand struck out a paragraph relating to the 1,200*l.*, and that he understood, therefore, that that never would be referred to Lord Cranworth, he not disputing the debt in any way, but that, in point of fact, to his surprise, he found that it was part of the reference to Lord Cranworth. Can you offer any explanation to the Committee on that point?

I can explain it. The agreement for reference sent down to Mr. William Brougham contained a clause upon this subject of the 1,200*l.* It was signed by Mr. Brougham, and brought by Mr. Miller so signed, and without this paragraph being struck out, to me. In talking to Mr. Miller I did give my consent to Mr. Miller that this paragraph

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should be struck out, but afterwards, upon consideration, (no doubt I ought properly to have communicated that to Mr. Brougham,) I thought Mr. Brougham having, in a great measure, denied this 1,200*l.*, having declared that he would pay no interest upon it, it was more safe for me that this question upon the 1,200*l.* should go to Lord Cranworth with the other question upon the 5,000*l.*

2428. Lord *Stanley of Alderley.*] Mr. Brougham stated that he had never disputed that debt of 1,200*l.*; is that the fact?
He did dispute it in that way.

2429. Lord *Chelmsford.*] In what way?
In one of his letters he stated that he would not pay interest upon it.

2430. Lord *Taunton.*] Has that letter been put in before the Committee?
Yes, I believe so. At any rate it is in some letter, possibly not in one which has been put in evidence. He said this, "I do not choose to pay interest upon it."

2431. Earl of *Clarendon.*] Upon the 1,200*l.*?
Yes.

2432. Lord *Chelmsford.*] So far from disputing the debt of 1,200*l.*, that was an admission that the 1,200*l.* was due, because when he said, "I will not pay interest "upon it," that is not a denial; it is an admission of the debt?
I ought, no doubt, to have communicated to Mr. Brougham that I intended that this question of the 1,200*l.* should go with the rest before Lord Cranworth.

2433. Earl of *Clarendon.*] You said that you had not seen the observations of Mr. Hindmarch, and therefore you requested that it might not appear in our evidence or report; but I would ask you whether you did not receive that paper immediately after the meeting of this Committee, at the same time that all the members of the Committee saw it?
Yes.

2434. You received it then?
Yes.

2435. How long ago is that; it was on the 9th of March, was it not?
Yes.

2436. *Chairman.*] I think you stated that you had received it two or three days previously to your first examination?
I think so. I did not receive it certainly until about the day on which it was laid upon the table of the House.

2437. Earl of *Clarendon.*] So that you have had in your possession for upwards of a fortnight those observations which you request may not appear in our report or evidence?
I have never had time really to consider them. I think, as far as I can see, in glancing over the paper, it is very much an echo of Mr. Greenwood's.

2438. You have also had, have you not, the whole of the evidence and everything bearing upon the case sent to you just the same as every member of the Committee has?
Yes.

2439. Ever since the Committee met?
Yes.

2440. *Chairman.*] Will you proceed with any other explanation you wish to make?
Referring to the Lord Chancellor's evidence, there is a great deal in which his Lordship's recollection does not quite accord with mine; but there is only one point to which I wish to refer in his evidence; it is at page 193, "This the Commissioners made the "subject of inquiry, and it ended——

2441. Earl of *Derby.*] That refers to the case of Smith?
Yes;—"and it ended in Mr. Greenwood being appointed to make an investigation into "it; and I think he made his report in the month of January 1863. The substance of "that report" (that is, as against Smith,) "was, that certainly a felony had been "committed; that security had been taken for the amount of the embezzlement; that "the amount had been realized; that a portion of it had found its way into the "Exchequer, by being fused in the accounts as if it had been money received; and that

" another portion of it, amounting, I think, to 390*l.*, or some such sum, had been received " by Mr. Edmunds, and not accounted for at all." That is the point I wish to advert to. It was accounted for (that was the 399*l.*) Your Lordships have heard a great deal upon that subject; it was accounted for long before any inquiry took place; it was left dead at Messrs. Coutts' by accident. That is all that I wish to say by way of correction of that point. The Lord Chancellor has made a mistake in saying that it was not accounted for at all.

2442. Earl of *Derby.*] You gave the Committee an account of this before. It was a question whether the money came out of the clerks' pockets or not?

No; begging your Lordship's pardon, it was not that. I had left the 399*l.* of this money that had been paid over lying dead at Messrs. Coutts' by accident, and that was passed afterwards in the Audit Office.

2443. Lord *Chelmsford.*] That was the balance of the 750*l.* that was paid in respect of the defalcations of Smith?

Yes.

2444. *Chairman.*] It was not paid over for three quarters, I think, and you accounted for it by your departure for Scotland?

Yes; and the accident of its having been left dead in this account as it was. The Lord Chancellor said that it was not accounted for at all, and that is my reason for mentioning it.

2445. Viscount *Hutchinson.*] Was the Report of Mr. Greenwood upon the subject of Smith's defalcations ever submitted to you?

Yes.

2446. Did that Report contain any animadversions upon your conduct for having kept the matter secret; for not having reported it to the Commissioners of Patents, and for having hushed it up in the office?

No; there was nothing approaching to that.

2447. There were no animadversions upon your conduct for having neglected to report those defalcations when they occurred, and having accepted the repayment of the money upon your own responsibility?

I do not recollect anything approaching to that.

2448. Earl of *Derby.*] The question now relates to the inquiry in 1863?

Yes; the first inquiry. If any censure was passed it was very mild indeed, because I explained the whole thing, and showed that the whole matter was coming forward in its turn in the Audit Office. I showed that Smith's defalcations, and the payment of the receipts, were coming forward in the Audit Office, which they did within a month of the time of the repayment.

2449. *Chairman.*] Are you aware of a letter, of which I have not the date, from the Lords of the Treasury, which must have been written either in November or December 1863, or in January 1864, calling the attention of the Commissioners of Patents to the disorganisation of the financial accounts in the Patent Office?

No; I never saw anything of the sort.

2450. You never received such a letter at all?

No.

2451. Lord *Taunton.*] Would the letters addressed to the Commissioners of Patents be entirely opened by you in the course of business?

Not entirely.

2452. Who would they be opened by?

By the Lord Chancellor, probably.

2453. You did not as a matter of course open all official letters directed to the Commissioners of Patents?

If they came into my office, I did.

2454. What other office could they go into?

The letter might have been sent direct to the Lord Chancellor.

2455. Earl of *Clarendon.*] Do you mean to say that a letter directed to the Commissioners of Patents by the Treasury would go straight to the Lord Chancellor?

I cannot say; it might.

2456. Surely, would it not go to the office of the Commissioners?

It might.

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2457. And would it not there be opened by the Secretary to the Commissioners?
Any letter received in the office, directed to the Commissioners of Patents, I should have opened and transmitted at once.

2458. And you have no recollection of any such letter?
I have no recollection of any such letter passing a censure upon the office as regards financial matters.

2459. Viscount *Hutchinson.*] Have you no recollection of a letter calling the attention of the Commissioners of Patents to the state of the office in a financial point of view, and inquiring what steps had been taken by the Commissioners to prevent a recurrence of such defalcations as Smith had been guilty of?
No.

2460. *Chairman.*] You have no recollection of having received such a letter, and therefore you have no recollection of having delivered such a letter to the Commissioners of Patents?
No, I have no recollection of it.

2461. Lord *Taunton.*] Is there any Clerk in the office of the Commissioners of Patents whose duty it would be to receive and open such a letter in your absence?
The Chief Clerk would do so in my absence.

2462. In the usual course of business, if such a letter were received and opened in that manner, would a record of it be kept in the Patent Office?
No.

2463. Is there no record kept in the office at all of the letters that are received?
No; very few letters were ever received, and therefore there was no occasion for such a record.

2464. Lord *Stanley of Alderley.*] Was it customary for all public and official letters addressed to the Commissioners of Patents to be sent direct to the Lord Chancellor?
I have no doubt whatever that all letters directed to the Commissioners of Patents which I opened I transmitted immediately to the Lord Chancellor.

2465. I ask whether, within your knowledge, it was customary for the public and official letters addressed to the Commissioners of Patents to be sent to the Lord Chancellor, and not to the Patent Office, to be opened by the Secretary?
The custom, no doubt, was to send them to the Patent Office.

2466. *Chairman.*] Have you any further statement to make to the Committee?
With reference to the evidence of Mr. Brougham, there are two or three things which I should like to say, but I am not sure that they are very material.

2467. You must use your own discretion?
Then I will state them very shortly.

2468. Lord *Chelmsford.*] You are not going, with reference Mr. Brougham's evidence, to repeat what you said in your evidence originally?
No, I am not. I am going to comment upon some passages in his evidence. I say that, with one single exception, where he states that he received and paid the rents of the estate mortgaged for 5,000*l.*, and that Lord Brougham was entirely ignorant of the whole business from beginning to end, there is very little indeed of bare truth in the whole of his evidence. There is a very great deal of distorted statements upon a foundation of truth, but very little real truth. I say that Mr. Brougham ought further to have stated that he and his brother, Mr. James Brougham, before him, received at all times, from the beginning to the end, all Lord Brougham's rents of all his estates, and that all such rents were expended by them in keeping up Brougham, in the establishment there, and in building, besides very much larger sums used in that way from other sources, and that no accounts were ever rendered by either one or the other to Lord Brougham of any kind or description, even verbal.

2469. That you really do not know; you cannot possibly say that unless you have heard it from Mr. William Brougham?
I heard it from Lord Brougham; I am dealing with Lord Brougham's accounts. If Mr. William Brougham had ever rendered any accounts of any kind or description they would have come into my hands naturally. Lord Brougham took everything upon trust, to my knowledge. If ends met at the end of the year he was content. The truth was that he never received any account whatever. I verily believe the whole of those supposed conversations with Lord Brougham to be fictions.

2470. It

2470. It is not a question of your belief or opinion; we want you to state facts?
I wish to refer your Lordships to page 165, question 1577. Upon Mr. Brougham's answer I have this remark to make; I state that Mr. William Brougham was in violent hostility at the time, for the reason that I resisted his taking, that is to say, that I could not permit him to take, from my sisters this sum of 5,000*l.*

2471. Earl of *Derby.*] It is this question to which you refer: "Do I rightly under-"stand that you wrote that letter out of consideration for Mr. Edmunds, although at "the time you considered that Mr. Edmunds had been guilty of those defalcations? To which his answer is, "Certainly; but I always believed, in my own secret soul, that "he had a good answer to give for it, and a good explanation, and that he was not "dishonest. I therefore wrote that letter to save him as far as I possibly could?
Yes, it is with reference to the letter to the Lord Chancellor proposing a resignation. Mr. William Brougham was in violent hostility at that time for the reason that I resisted; that I could not permit him to defraud my sisters, through me, of 5,000*l.* At the beginning of October, finding the annuity of 300*l.* to be lost to him, as he considered it, he determined to indemnify himself for the loss by confiscating the 5,000*l.* mortgage debt, and he would undoubtedly have succeeded but for the fortunate circumstance that I had kept his letters. Unsupported by evidence, no one could believe such a tale as I had to tell; he would have sworn me down. From that time he commenced a system of the most violent, open, and scurrilous abuse to every one who came within the house, and by letters, in every direction grossly exaggerating and falsifying the case, upon admissions which he had obtained from Mr. Leman in strict confidence, and as my then supposed friend. He has been my most virulent and bitter enemy, and he here, in canting hypocrisy, falsely pretends that he did all these things in pure friendship, and to save me from beggary. I state that Mr. William Brougham has kept Lord Brougham in entire ignorance of the 300*l.* question up to the present time, except that he told him, untruly, that I was endeavouring to set up a stale paid off mortgage for the purpose of defrauding him; he has told him nothing more, and Lord Brougham has been naturally angry, believing such false statements.

2472. Earl of *Malmesbury.*] Why, having been upon such terms with Lord Brougham for thirty-one years, during all that time did you never mention to Lord Brougham the arrangement with Mr. William Brougham?
I never did.

2473. Why not?
I never discussed money arrangements in any way, they never came under consideration; it appears extraordinary that they should not have done so. If at any time I had ever heard that Lord Brougham had spoken to any one in the way he spoke to Mr. Alfred Montgomery and other gentlemen, if such a conversation had ever come to my knowledge and been repeated to me, it would have put an end at once to this business of this trust.

2474. There was an arrangement made for you to pay to yourself the interest upon a sum of money due to you by Lord Brougham?
Yes.

2475. And yet for thirty-one years you never mentioned to him directly or indirectly this subject?
Never.

2476. Can you give any reason for your silence?
I can give no reason whatever, except that this was a subject one did not wish to talk about.

2477. You considered it a secret?
I considered it a dead secret.

2478. Then it was because you considered it a secret that you did not mention it to Lord Brougham?
Yes; and also on account of a disinclination to deal with or to talk upon such a subject as that.

2479. Did you look upon it as a secret that was not to be divulged to Lord Brougham?
No; certainly not.

2480. A secret from whom then?
From the world. It was not to be talked of to anybody.

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2481. You had no reason for objecting to speak of it to Lord Brougham?
If the subject had ever come under discussion I should have spoken to him about it, but it was one of those things that was never mentioned.

2482. Although he, in fact, was your debtor?
No; he was not my debtor. My debtor (if I may use the expression) was the family of Mr. John Brougham in Edinburgh.

2483. He was your debtor upon the mortgage?
The arrangement was that the 200*l.* should be passed on to Mr. John Brougham's family.

2484. That was an arrangement with Lord Brougham?
As I understood it, in the first instance, it was with Lord Brougham; that was how I understood it when this trust was imposed upon me.

2485. Then you understood that Lord Brougham knew of it?
Undoubtedly. When Mr. James Brougham brought this office to me upon those terms I could not have the least doubt that it was with the full knowledge of the Lord Chancellor, Lord Brougham.

2486. Lord *Chelmsford.*] That is to say you supposed that Mr. James Brougham would not have taken the liberty to make such an arrangement unless it was by the authority of Lord Brougham?
No doubt.

2487. You never communicated with Lord Brougham, and you never ascertained whether this was done at his own wish or whether it was done without Lord Brougham's authority?
No, I never did.

2488. Lord *Stanley of Alderley.*] I suppose you thought it was rather a delicate transaction, and one which it was not very agreeable to discuss, unless the conversation led to it?
Of course it was. I ought to have used those words. It was not a subject to discuss or bring forward à propos to nothing.

2489. Viscount *Hutchinson.*] Was Lord Brougham much in the habit of speaking of his deceased brothers?
I never heard him do so.

2490. Do you think he was much attached to them?
No; I do not think he was. I never saw in his house any one of the children of his deceased brother John.

2491. Then it was not on account of any feeling of delicacy of this kind that you did not wish to raise in his mind any recollection of his deceased relatives, that caused you to abstain from speaking to him upon this subject?
No; nothing of the sort, it was from a feeling of delicacy in touching upon this money arrangement. It appears very extraordinary that the matter should never have been discussed between myself and Lord Brougham, if it had the whole thing would have been at an end at once. I am perfectly convinced that Lord Brougham, from the beginning to the end, never knew anything of this transaction; that he was deceived, as much deceived in 1833, by his brother James, as I was deceived myself then and subsequently.

2492. Then you now think that Lord Brougham had no knowledge whatever of any condition having been imposed upon you?
I am perfectly convinced that the condition which Lord Brougham intended to convey to me was a condition, or a stipulation in some form, that I should apply the emoluments of this office to assist my brothers and sisters.

2493. That is your opinion now?
That is my opinion now.

2494. That was not your opinion at the time you accepted the office?
Certainly not.

2495. When did you change your opinion?
I have changed it in consequence of what I have heard in the last three or four months with respect to Lord Brougham having said what I have stated to several different gentlemen,

gentlemen at different times. He never said so to me or in my presence, nor did anybody ever repeat to me any such declaration.

2496. *Chairman.*] Have you anything further to say?

Mr. Brougham has stated that he applied to the Lord Chancellor in this way behind my back out of a kindly feeling to save my sisters from beggary. My observation upon that is that he was himself endeavouring to reduce them to beggary by endeavouring to take from them this 5,000*l.*

2497. Lord *Chelmsford.*] That is not a statement of a fact at all?

It is a comment.

2498. What you have put in by way of explanation is an argumentative answer to the evidence given by Mr. William Brougham, and nothing more; and there is one part of it in which you have said there is not a particle of truth, or very little truth, in Mr. William Brougham's statement, that it is a superstructure of falsehood built upon a foundation of truth. I do not think that is evidence which the Committee ought to receive. You ought to point out in what particular you deny the fact itself, and not give your conclusion as a matter of reasoning?

Mr. Brougham in his evidence has denied the trust for the benefit of Mr. John Brougham's family.

2499. *Chairman.*] What sum do you allude to now?

The 300*l.* a year; he has denied that it was ever intended, or that any trust was contemplated for the benefit of Mr. John Brougham's family.

2500. *Lord Panmure.*] In what part of his evidence does he deny it?

He denies it by setting up another form of trust. He denied it also before Lord Cranworth, and he sets up a form of trust which is not very easy to be understood. He says that this money was intended to form a fund to pay the debts of Mr. James Brougham. Now my remark is this, that Mr. James Brougham, a Member of Parliament, and brother of Lord Chancellor Brougham, with whom he lived, and who constantly was guided by him upon all political matters, and who disposed of his patronage, himself holding a high position in the world, should come to me, an insignificant clerk, and propose that I should pay to him the paltry sum of 300*l.* per annum (the whole salary, however, of the office) to enable him to pay his own debts, is a statement which is not true, is altogether false, and is simply impossible. It is equally impossible that I should, after Mr. James Brougham's death, force this 300*l.* per annum upon Mr. William Brougham for the purpose of paying the debts of Mr. James Brougham, then dead. What interest could I possibly have in Mr. James Brougham's debts, or in his creditors? Mr. James Brougham never spoke of his debts or of his affairs to me in his whole life, and I knew nothing about them either before or after his death. Mr. William Brougham has stated to Lord Cranworth, as it is understood, that the 100*l.* was to be invested and accumulated to pay off this mortgage debt of 5,000*l.* It would have taken thirty-five years to effect the purpose. If any such accumulation had been made, I should have retained the money myself; I should not have paid it over to Mr. William Brougham; but no such accumulation has been made. Mr. William Brougham proposed to wipe off this mortgage debt with the sponge, pleading the Statute of Limitations, and that no interest had been paid.

2501. Lord *Chelmsford.*] You have appeared before the Committee to explain any evidence you have given which requires explanation, and also for answering any facts which have been stated which you could deny upon your oath. Instead of that, you have entered into an argumentive discussion of the evidence which has been given. You have had great latitude given to you when any matter pressed upon you, personally. You have been permitted to reason upon the facts in such cases; but I do not think it is quite right that you should discuss in this manner the evidence which has been given by other witnesses?

This is a matter within my own knowledge.

2502. Then state it as being within your knowledge, as a fact, not as a deduction?

This I may state as a fact, the trust for the benefit of Mr. John Brougham's family would have remained a secret probably to the end of time; certainly, I should have kept the secret inviolate, as I had done for thirty-one years, if Mr. William Brougham had kept his own counsel, if he had simply, honestly, and wisely——

Mr. L. Edmunds.

28th Mar. 1865.

2503. Lord *Chelmsford.*] That is all reasoning?
It is true as a fact.

2504. Earl of *Malmesbury.*] You do not know that the secret would have been kept to all time?
I should certainly have kept the secret to the end of time.

2505. *Chairman.*] Have you got any facts whatever to state to the Committee?
At page 172 Mr. Brougham states a conversation with reference to the proposed transfer of the office to his son. He gives an account of supposed conversations between himself and me. Upon that I make this remark. Mr. William Brougham applied to the Lord Chancellor some weeks earlier than this date for a Registrarship in Bankruptcy for his son, which the Lord Chancellor refused. Mr. William Brougham communicated that to me. The Lord Chancellor referred him to me, saying that the Patent Office was to be reconstructed, and that possibly something might be found there. This led to discussion. I told Mr. William Brougham that no new office could be created. But some weeks later I did suggest to him the transfer of the office of Clerk of the Patents to his son, if it could be effected. I had myself applied to the Lord Chancellor early in that same year, in February 1863, proposing to retire from the office on superannuation, but I did so for my own ends, as I have before stated. I stated to Mr. William Brougham that I expected 700*l.* a year superannuation, and that, deducting the trust 300*l.*, I should not lose more than 200*l.* I made no merit of the matter. I said nothing about obligations to any one. It all proceeded from what the Lord Chancellor had said. Mr. Brougham has stated at page 183 that I became exceedingly hostile to the whole family, and that I have a strong feeling of hostility towards them now. He has written a great deal about the country stating that I had a great hostility to Lord Brougham. He says so here in answer to this question, "Do you mean to say that Mr. Edmunds has the slightest hostility to Lord Brougham?—I have no doubt that he has."

2506. Lord *Panmure.*] Referring to that answer, do you deny that fact?
I deny the fact entirely. Mr. William Brougham has written letters and communications all over the country, stating that I have gone round the world, as he says, abusing Lord Brougham.

2507. Duke of *Somerset.*] Did Lord Brougham require you to leave his house in Grafton Street? Is that fact correct?
Mr. William Brougham did. I do not believe that Lord Brougham ever did.

2508. Lord *Panmure.*] Did you receive the notice to leave Grafton Street from Mr. William Brougham?
Mr. William Brougham wrote to Mr. Leman about it. He wrote several secret private letters to Mr. Leman upon that subject begging him to urge me to leave the house. I had always intended to do it, and I did leave it of my own accord.

2509. Earl of *Malmesbury.*] Were you not desired positively to leave the house by some one?
No; not positively.

2510. You left it of your own accord?
I left it of my own accord.

2511. *Chairman.*] What intimation did you receive to induce you to leave the house.
The letters were to Mr. Leman. Mr. Leman received several private letters which I did not see myself. He communicated to me what they were; namely, that Mr. William Brougham suggested that I should leave the house.

2512. Lord *Stanley of Alderley.*] What was the communication that Mr. Leman made to you?
To the effect that Mr. William Brougham had written to him private letters, begging me to leave, or rather suggesting to Mr. Leman that I should leave the house.

2513. Earl of *Malmesbury.*] But as you had permission from Lord Brougham to live there, how was it that you considered Mr. William Brougham's order to leave the house a sufficient authority?
I considered that he had entire possession of Lord Brougham. I do not believe that at that time he had had any communication from Lord Brougham to that effect; certainly not in the month of October.

2514. Earl of *Clarendon.*] After you left the house you used to have your letters and papers left there, did you not?
For a short time.

2515. And Lord Brougham forbad that, did not he?
He did.

2516. That communication was from Lord Brougham direct?
That was from Lord Brougham direct.

2517. Between the time when you had notice to quit the house, and the time when you were desired not to have your papers left there, what interval was there?
It might be a fortnight, or at most three weeks; but I ascribed Lord Brougham's taking the line which he did at that time entirely to Mr. William Brougham's having informed Lord Brougham that I was setting up this stale mortgage, and having informed him of nothing else. He never told him anything touching this trust affair. He kept him in entire ignorance of it.

2518. *Chairman.*] This is a suspicion on your mind; you cannot know the fact?
I know it so far, that Mr. Miller has informed me that that was his own opinion. Lord Brougham was kept in ignorance of the questions on the trust. I have not a shadow of a doubt that Lord Brougham has never had any knowledge whatever of the litigation which has been going on; that he had no knowledge whatever that any question dealing with the 300*l.* a year went into the arbitration before Lord Cranworth. I am perfectly convinced of that, and Mr. William Brougham will not, I think, venture to contradict me.

2519. *Chairman.*] Have you any more facts that you wish to lay before the Committee?
In answer to the accusation of having gone about the world abusing Lord Brougham I say that it is utterly and entirely untrue. I never spoke of Lord Brougham at any time of my life except in terms of the strongest affection and respect. No human being can pretend to say that I have ever said one word even in disapprobation of any thing he has done. Mr. William Brougham has procured a deed of gift from Lord Brougham of all his estates and other property.

2520. Lord *Chelmsford.*] How do you know that?
I have heard it from Lord Brougham himself some years since. I have here the papers and letters that were laid before Messrs. Greenwood and Hindmarch upon the inquiry. I think your Lordships asked Mr. Greenwood if he could produce the letters and papers that had been referred to him, and he said he could, but I do not understand that he has laid them before the Committee.

2521. *Chairman.*] What papers are they?
They contain the whole of the questions that were referred by the Lord Chancellor and the Commissioners of Patents in the first instance to Messrs. Greenwood and Hindmarch. This bundle contains the letters addressed by Mr. Woodcroft to the Master of the Rolls, the private letters written by him containing charges against me, and my replies.

2522. Lord *Chelmsford.*] You can hardly expect that the Committee will enter into the discussion of the disputes between Mr. Woodcroft and yourself. It is no part of the inquiry which has been directed by the House?
I beg to state that it has been said that I have unnecessarily divulged this question between Mr. William Brougham and myself. I say that Mr. William Brougham himself, in carrying this question through a course of litigation, ending in a judicial inquiry, has divulged and brought to light the whole matter.

Ordered, That the Committee be adjourned till Thursday next, Four o'Clock.

Die Jovis, 30° Martii 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

The following Affidavit received by post from Lord Brougham and Vaux is handed in and read :— Affidavit of the Lord Brougham and Vaux. 30th Mar. 1865.

" In the matter of the inquiry into certain offices held by Mr. L. Edmunds.

" I, Henry Lord Brougham and Vaux, make oath and say, that in 1833 I appointed Mr. Leonard Edmunds Clerk of the Patents, the salary being 400*l.* a year. I made the appointment freely and without any condition, or stipulation, or understanding whatsoever.

" He at that time held, and had held since November 1830, the office of Secretary to Commissioners of the Peace on, I believe, about 500*l.* a year, and also that of Purse Bearer, the salary of which was 460*l.*, besides some fees from other sources. In 1834 he was appointed, upon my application to Lord Melbourne, Clerk of the Crown. Equally without any condition, or stipulation, or understanding whatsoever.

" I derived or received or expected to receive no benefit or advantage whatsoever from either of those appointments. If it is stated or suggested that I or any member of my family received or derived or expected any benefit or advantage from either of such appointment, such statement or suggestion is, as I firmly believe, utterly false, as with respect to myself I know it to be.

" I had nothing to do with Mr. Edmunds' appointment as Clerk in the House of Lords. I had nothing to do with his appointment as Clerk to the Commissioners of Patents. Mr. Edmunds lived in my house for upwards of thirty years, and became intimately acquainted with all the concerns of my family. His father had lost his life in my service (in an election forty years ago), and I felt bound to provide for his son.

" Until the recent discoveries connected with the Patent Office I believed him to be thoroughly trustworthy, and incapable of any act of dishonesty.

" But when I became satisfied last October that he had been using public money for his own purposes, I caused him to be turned out of my house. His hostility to me and my brother then showed itself, and has been continued with great bitterness. I was anxious to save him from beggary, and joined in the suggestion last October that he should resign his office in the House of Lords, and apply for a pension, for I was satisfied that if he took his seat at the table his defalcations would become the subject of inquiry, and he would lose both place and pension. Notwithstanding his subsequent conduct and his great ingratitude, I do not repent of having tendered this advice. I read in the " Times " of Friday, March 10th, that a yearly payment of three hundred pounds had been made by Mr. Edmunds for interest on a mortgage and otherwise, by which I was

Affidavit of the Lord Brougham and Vaux. 30th Mar. 1865.

directly or indirectly benefited. I utterly deny all knowledge of any such transaction, and of any and every part thereof. I learnt it for the first time from the said "Times" newspaper.

"I further find that the mortgage in question is said to be a mortgage made by me in the year 1811 upon a certain farm in Cumberland called Braithwaite, or Braithwaite Howes. When this mortgage was executed by me it was for no debt of my own. I never touched the rents of the said farm, or any part thereof. In 1810 I gave up the Howes farm to my brother James, he being then the farmer upon it, and after his death in 1833 the rents were treated as part of his estate, and applied, as they are still applied, towards his liabilities. The legal estate being still vested in me I was a necessary party to the mortgage of 1811. I never received one farthing of the money borrowed, and I never paid, or was called upon to pay, any interest upon the loan. I am told I was made a party to a transfer of the first mortgage in 1827 to the trustees of the late John Edmunds, but I had no notice of any such transfer; I was never called upon to execute it, and I never did execute any such transfer.

"Accordingly when in the month of October 1864 a demand was made by Mr. Leman, on behalf of Mr. Edmunds, in respect of a sum of 5,000*l.* said to be secured on the Brougham estate, I at once directed that Mr. Leman should be informed that I knew nothing of the transaction, and that I owed no such sum.

"Sworn this 27th day of March 1865 before the British Vice-Consul at Cannes, France - - - } BROUGHAM AND VAUX.

"AUGT. BORNIOL, H.B.M.'s Vice-Consul.

"Le notaire public soussigné certifie que le sceau affixé ci-contre est celui de M. le Vice-Consul d'Angleterre à Cannes.

"C. BORNIOL,
"Cannes, le 27 Mars 1865. Notaire."

Note.—For Lord Brougham's Second Affidavit, *vide* Appendix F., page 561.

Mr. J. Leman.

Mr. JAMES LEMAN is called in, and further examined as follows:

2523. *Chairman.*] I understand that you wish to explain one point in your evidence?

I do. I wrote a letter asking to be allowed to give an explanation, and, with your Lordships permission, I should propose to read that letter now.

2524. Lord *Chelmsford.*] The question really is, whether you have ascertained satisfactorily the exact time upon which you saw the Lord Chancellor upon the 13th of February?

I have precisely.

2525. In what way?

By looking at my memoranda, and by remembering in talking it over with Mr. Edmunds how the thing occurred. Mr. Edmunds and I went together to the Union Club on that day. He requested me to go on to the Lord Chancellor here to speak to him in the House of Lords. I came down, I think, in a cab, and saw the Lord Chancellor when he was coming out of the House soon after one o'clock, which he usually does to take his luncheon. I came down therefore and saw him between one and two o'clock. That came to my recollection, and I have not the least doubt of it. I was quite sure of it independently of this circumstance which I also remember, that the Lord Chancellor while talking to me was eating his sandwiches; therefore I can speak positively to the time. I went immediately back from that interview to Mr. Edmunds, who was expecting me at the Union Club to hear the result of the interview, and I at once communicated to Mr. Edmunds the result of that interview with the Lord Chancellor. I then went with Mr. Edmunds to Lincoln's Inn Fields. I was not certain when I had the honour to attend your Lordships the other day of the exact time when this interview occurred. I could not bring it to my memory whether it was in the evening or the morning, but when I came to reflect I remembered it, and I now speak positively it was between one and two o'clock.

2526. *Chairman.*] You stated that you had arrived at that conclusion by further reflection, and by consulting your memoranda?

Exactly so.

2527. Of what character were your memoranda?
I keep minutes of my attendances, as most lawyers do in their daily books.

2528. Had you not consulted that book before your examination in chief and your second examination?
No, I had not. I did not think anything turned upon it, and should not have thought so, but for my attention having been called in my evidence on the last occasion to the importance of fixing the time, but I had not the smallest doubt whatever of the fact of the conversation. I remember talking with Mr. Abraham upon that occasion, and then I remember perfectly well his Lordship coming in from the House, and taking down his plate of sandwiches and eating them while he spake to me.

2529. You stated the other day that you had invested money for Mr. Edmunds, and that you were in his debt up to July 1864?
Yes.

2530. Is he now in your debt?
Yes; Mr. Edmunds owes me 1,000*l.* which I lent him.

2531. You were in his debt up to July?
Yes; there was money of his which I invested for him, and when he asked me for it, without however telling me for what object he wanted it, I immediately got it for him; and in addition to that he asked me to lend him 1,000*l.*, which I did.

2532. Earl of *Derby.*] Returning to the 13th of February, had you seen Mr. Miller on that morning?
I saw him almost daily; he was constantly coming with communications from Mr. William Brougham.

2533. Can you recollect particularly whether you saw Mr. Miller on the morning of the 13th of February?
I should think so. I saw him almost daily.

2534. *Chairman.*] You did not put it down in your memoranda?
No, I did not. He used constantly to call upon me, and sometimes he used to write notes to me to ask me to see him in Basinghall Street.

2535. Lord *Chelmsford.*] In your attendance book you would put down what you had done as solicitor, I suppose?
Yes, certainly. There are one or two other points I mentioned in my letter which I should like to advert to.

2536. Upon all other points you merely wish to confirm the statements you have already made?
Yes; I think I could put it more clearly if I were to state again the interviews I have had.

The witness is directed to withdraw.

Ordered, That the Committee be adjourned till Tuesday next, Twelve o'clock.

Die Martis, 4° *Aprilis* 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Clarendon.	Lord Taunton.
Earl of Malmesbury.	

The LORD PRESIDENT in the Chair.

Mr. JOHN FISHER MILLER is called in, and further examined as follows :

Mr. J. F. Miller.

4th April 1865.

2537. *Chairman.*] You have stated that you wish to be re-examined before the Committee in consequence of a portion of your evidence having been contradicted by Mr. Leman?

I heard that my evidence had been impugned and contradicted by Mr. Leman, and therefore I wish to have an opportunity of stating one or two facts to the Committee, which, I think, have an important bearing upon the case.

2538. The Committee cannot consent to hear you again merely to repeat the assertions you made the other day, but they will receive any corroborative evidence you may have to give. The only evidence that the Committee are at present aware of where Mr. Leman contradicts any evidence of yours is this; he was asked this question by the Earl of Clarendon: "We have received some evidence just now from Mr. Miller, who informed "the Committee that on the 13th of February you had asked him to go to the Lord "Chancellor, and propose to him to secure, or to promise, a pension to Mr. Edmunds, "as far as he could, and that he had absolutely declined to do anything of the kind?" And his answer was, "That is perfectly untrue. I did not want Mr. Miller to interfere "in the matter. He did interfere in the matter, but not with any authority from me." Have you anything corroborative of your statement to offer to the Committee upon this point?

I can only repeat that he most assuredly did make that request to me, and that I refused.

2539. Lord *Stanley of Alderley.*] You can only repeat, as far as your recollection goes, that the statement you made to the Committee was correct?

Precisely so; it was most decidedly correct.

The witness is directed to withdraw.

Mr. J. Leman.

4th April 1865.

Mr. JAMES LEMAN is called in, and further examined as follows:

2540. Lord *Chelmsford.*] There was a letter which was marked private and confidential, written to you by Mr. William Brougham on the 6th of February last; that refers to a previous letter of 1st of February?

Yes; I remember the letter.

2541. Duke of *Somerset.*] The previous letter was of the 3d of February, was not it?

I think it was of the 1st of February; I do not feel quite sure.

2542. Lord *Chelmsford.*] It referred to a letter of the 1st of February, addressed by Mr. William Brougham to you; is that so?

Yes; there was a former letter of mine, but that also was marked as private and confidential.

2543. We have had one of the letters put in, and therefore that which it refers to is taken out of confidence, and is drawn after the other letter. Have you a copy of that letter?

I will hand it in.

The same is handed in, and is as follows:

" Private and Confidential.

" 51, Lincoln's Inn Fields, London, W.C.,

" My dear Mr. Brougham, " 1st February 1865.

" Mr. Miller has no doubt sent you Lord Cranworth's award. The effect of that award shows distinctly that so far from L. E. having derived any benefit from the Patent Office, the whole (and even more) of the emoluments of that office have been received by you since his appointment for the benefit either of yourself, Lord Brougham, James Brougham, or the family of John Brougham, and consequently this unfortunate riding of the salary has, coupled with the large allowances which he was obliged to make to his brothers and sisters, really been the cause of the defalcations and delays in the payments by L. E. to the Exchequer. The sum you have received, in one direction or the other, for the benefit of the Brougham family, has amounted to 9,300*l.*

" As you are no doubt aware, the Lord Chancellor has abandoned his intention of consulting Lords Cranworth and Kingsdown, and being guided by them as to the course he should adopt immediately on the meeting of Parliament, with a view to the removal of L. E. from the table, and that he has given notice that he will move a Committee on his own responsibility. Under these circumstances, if the Committee be granted, of which there can be no doubt, the case as disclosed to Lord Cranworth will come before the Committee, and, as a consequence, I have no doubt, your presence will be required to explain the whole of the transactions.

" I have thought it right to send you these few lines, the purport of which I have already communicated to Mr. Miller. Lord Cranworth is of course in possession of all the details of the case as the arbitrator between you and L. E., and Lord Chelmsford has, I am informed, been made acquainted by L. E. with all the circumstances.

(*Vide* Note.)

* * * * *

" &c. &c.

" James Leman.

" Lord Brougham stated some years since to a gentleman (and probably to more than one person) that L. E. held the Patent Office for the benefit of his own brothers and sisters. Lord B. stating at the same time his reasons for having so disposed of the office, viz., that L. E.'s father had lost his life in what might be considered his service, leaving a very numerous family.

" Wm. Brougham, Esq."

Note.—This Passage is omitted, as it refers to a matter that was not within the scope of the Inquiry of the Committee.

2544. There is said to be a letter which Mr. Miller read to you in Basinghall Street on or about the 6th of February?
There was such a letter.

2545. Do you recollect what the purport of that letter was?
Yes, I do. It was a letter which purported to be addressed by Mr. William Brougham to the Lord Chancellor, and in which Mr. William Brougham made an application, if I may use such a term, in the names of himself and Lord Brougham, asking the assistance of the Lord Chancellor in getting Mr. Leonard Edmunds his pension in the House of Lords. The letter was read to me as a letter from Mr. William Brougham to the Lord Chancellor, and Mr. Miller proposed that I should have that letter if Mr. Edmunds would have consented to give up certain papers which he had with reference to the arrangement between himself and the Brougham family which has been referred to, I believe in this room. I have never said anything upon that subject before, but it had been a great subject of contention between myself on the part of Mr. Edmunds and Mr. Miller on the part of Mr. William Brougham who should have possession of these papers. Mr. William Brougham had consented, and Mr. Edmunds had also consented, that they should be placed in my hands for safe custody, giving me the power to deal with them as I should please; but as I was seventy years of age the question arose, what should be done with them supposing I died. Then Mr. Miller said that in that case those papers should be given to Mr. William Brougham. Mr. Leonard Edmunds said, "I will not consent to that." And that was really the point upon which ultimately the differences between the two turned, for I had tried all I could to arrange those differences between Mr. William Brougham and Mr. Edmunds with reference to these particular papers, but at last they split upon that point.

2546. The proposal came to nothing; it ended in nothing, as I understand?
The proposal came to nothing; but that was the only point in difference between us. Mr. William Brougham had consented so far,—he said he placed the greatest confidence in me, and would leave the papers in my hands. Mr. Edmunds said the same thing; but then came the question, if I died what was to become of them? Mr. Edmunds wanted to have them, and Mr. William Brougham wanted to have them. That was really the ground upon which they split, notwithstanding all the attempts I made to reconcile them, for I was most anxious to do it for many reasons.

2547. Do you know anything of Mr. Edmunds' letter of the 6th of February, which has been put in by Mr. William Brougham?
I wrote a letter to Mr. William Brougham on the 6th of February.

2548. Was that letter written as the result of a determination with reference to giving up the letters?
Certainly, that letter of the 6th was; but that letter, I think, referred to one of a previous date.

2549. Viscount *Hutchinson.*] A letter from Mr. William Brougham, and purporting to be addressed to the Lord Chancellor, was read to you on the 6th of February at your interview with Mr. Miller; do you know whether that letter was ever afterwards delivered to the Lord Chancellor.
I have no means of knowing that; I left it with Mr. Miller, and therefore I cannot tell what became of it; but I saw it was in the handwriting of Mr. William Brougham, whose handwriting I know very well, and in fact it was a letter containing the Expression, notwithstanding Mr. Edmunds' base conduct to the Brougham family, but still wishing that the Lord Chancellor would be kind enough to help him.

2550. Duke of *Somerset.*] You stated that your letter of the 6th of February to Mr. William Brougham referred to a former letter?
It did.

2551. And you thought that that former letter was a letter of the 1st?
I am not sure of the date of it.

2552. I find that your letter begins in this way: "My dear Mr. Brougham, I have seen "Mr. Miller to-day, and he has read to me your letters of the 3d instant?"
I could hardly have got an answer if I wrote upon the 1st. I think it would hardly reach Cannes in two days.

Mr. J. Leman.

4th April 1865.

2553. In that letter you refer to a letter from Mr. William Brougham of the 3d instant?

Yes; that was the letter I have been speaking of. A letter was read to me by Mr. Miller, and the purport of that letter (I am speaking from memory only, for I have not the letter,) was what I have stated. I am almost certain that that was the letter that was referred to, but I cannot quite recollect what day it was on which I wrote.

The witness is directed to withdraw.

Ordered, That the Committee be adjourned till Friday next, Twelve o'clock.

Die Veneris, 7° Aprilis 1865.

LORDS PRESENT:

Lord President.	Viscount Hutchinson.
Duke of Somerset.	Lord Panmure.
Earl of Derby.	Lord Stanley of Alderley.
Earl Graham.	Lord Chelmsford.
Earl of Malmesbury.	Lord Taunton.

The LORD PRESIDENT in the Chair.

Sir ROUNDELL PALMER, M.P., (the Attorney General,) is called in; and having been sworn, is examined as follows:

Sir Roundell Palmer, M.P. (the Attorney General).

7th April 1865.

2554. Lord *Chelmsford.*] When was your attention first called to any charges against Mr. Edmunds in his office of Clerk of the Patents and Clerk to the Commissioners of Patents?

I should say it was when the First Report of Messrs. Greenwood and Hindmarch was made, explaining that there was another previous transaction which had one suspicious circumstance about it, but that seemed to be explained, and there was no impression left upon our minds that there was any dishonesty on the part of Mr. Edmunds in that case. No doubt your Lordships know the circumstances I refer to.

2555. Duke of *Somerset.*] That previous transaction had reference to some circumstances that came to your knowledge in 1863, had it not?

Yes.

2556. *Chairman.*] With regard to Smith?

Yes.

2557. Lord *Chelmsford.*] There was a meeting of the Commissioners of Patents upon this subject in 1864, was there not?

Yes; there were more meetings than one at which the subject was mentioned.

2558. I believe after some time you were requested by the Lord Chancellor to frame charges, founded upon the Preliminary Report of Messrs. Greenwood and Hindmarch?

I was. Of course that was not with reference to the office Mr. Edmunds held under the Commissioners of Patents. We had absolute power of dismissing him from that office without any charges at all, and should certainly have exercised that power. But under Act of Parliament the Lord Chancellor and two Judges of the Court of Chancery only could dismiss him from the office of Clerk of the Patents, over which office the Commissioners had no control. Therefore it was not as a Commissioner of Patents, but as Attorney General, that the Lord Chancellor desired me to frame those charges.

2559. You accordingly framed the charges which we have before us?

Yes; it was a sort of notice to show cause.

2560. And you were aware that he was summoned to show cause (so to speak) before the Lord Chancellor and two Vice-Chancellors?

Yes.

2561. You knew the day when it was intended that he should appear, did you not?

I have no doubt I did, but I have not any distinct recollection of it.

Sir Roundell Palmer, M.P. (the Attorney General).

7th April 1865.

2562. It was the 1st of August?
Yes. No doubt I knew what day was fixed.

2563. Before that day arrived was any communication made to you as to Mr. Edmunds having expressed a wish to be allowed to resign his office on paying all monies due from him to the Treasury?
I remember that before the time had arrived when the hearing would have taken place it was mentioned to me by the Lord Chancellor that Mr. Edmunds had proposed at once to give up that office. I do not recollect anything about paying; but I understood that he was to give such an undertaking as would leave the question of subsequent payment entirely unprejudiced by the acceptance of his resignation; that was what I understood at the time. I do not think that the form of any document came under my notice.

2564. I wanted to know whether you were consulted as to the propriety of allowing him to resign?
I have no doubt I was. My own personal recollection would hardly have enabled me to say whether the thing was actually resolved upon before it was mentioned to me, or whether it was mentioned to me first; it was about the same time, certainly; but I understand that the Lord Chancellor's recollection upon the subject is more distinct than mine. I have no doubt that it was mentioned to me before the resolution to accept the resignation was taken.

2565. The Lord Chancellor says that you concurred in opinion with him and the Master of the Rolls, that Mr. Edmunds might be permitted to resign, upon his paying the money over?
Yes; I had not the least doubt about it. It appeared to me that exactly the same object was accomplished by his resignation as we had in view, namely, to get him out of the office; and the ulterior question, as to the payment of the money or any further proceedings, appeared to me to be kept precisely as it stood previously; perhaps it was in rather a more favourable position than if there had been a kind of rehearsal of the charges on that occasion, simply for the purpose of dismissing him from the office.

2566. Did you consider that it was kept open for consideration whether any further proceedings should be taken against him?
Perfectly. I had not the slightest idea of there being anything to prejudice that; but I may mention that something had occurred before, which, when I had to consider the question whether further proceedings should be taken or not, appeared to me to be an objection to such proceedings, namely, that it would be necessary to conduct them with materials supplied by himself, for, without warning him that he might be subject to a criminal prosecution, a great deal of information had been obtained from Mr. Edmunds personally. That circumstance, together with the fact of the payment of the money, appeared to me to be reasons against the prosecution. I have no hesitation in saying that I had not then, and have not now, the least idea that the mere acceptance of his voluntary retirement, instead of a dismissal, made the slightest difference in that respect, taken by itself.

2567. Lord *Taunton*.] How did it affect the question of the pension?
There was no question of any pension whatever for those offices.

2568. Would there not have been a pension if he had retired in the ordinary way?
He had no claim whatever to a pension. It was really an enforced retirement, and in my mind was exactly tantamount to a dismissal, because the inquiry which must have taken place before a dismissal was not like trying him for a crime; it was simply to dismiss him from the office. He might have postponed it by delays, which it was in his power to raise in a way that would have been very inconvenient if we had insisted upon formally going through the proceedings to dismiss him instead of accepting his own retirement. It seemed to me plainly accordant with common sense that the acceptance of his resignation was the right course to pursue.

2569. Duke of *Somerset*.] Then you considered his resignation in 1864 as very different from his proposed resignation in 1863, which resignation in 1863 he withdrew because he could not obtain what he considered a sufficient pension?
I never heard of that; but, as your Grace expresses it, it would appear to me to be entirely different.

2570. Lord

Sir Roundell Palmer, M.P. (the Attorney General).

7th April 1865.

2570. Lord *Chelmsford.*] Were you afterwards consulted as to any criminal proceedings being instituted against Mr. Edmunds?
Yes.

2571. That, I believe, was not until very recently?
I think it was in December.

2572. Your opinion, I think, is dated in February?
I was not aware that it had been quite so recent as that.

2573. We have the opinion before us; it is dated the 9th of February?
Then I was wrong in saying December. It was merely an error of my memory, because the opinion was given very soon, in fact as soon as it well could be after the case was laid before us.

2574. The date is "Lincoln's Inn, February 9th, 1865?"
Yes; no doubt that is right. My memory was at fault in that respect, certainly. The case was not with the law officers longer than a very few days. Your Lordship may take it that we were consulted within a week of the time when that opinion was given.

2575. You and the Solicitor General expressed your opinions "that under the Acts "2d and 3d William the Fourth, Chapter 4, Sections 1 to 5 (as to acts done before the "31st October 1861), and 24th and 25th Victoria, Chapter 96, Section 70 (as to acts "done since that date), criminal proceedings may be taken against Mr. Edmunds?"
Yes; that was my opinion then, and it is my opinion still.

2576. But you were of opinion that having regard to the facts which you stated, and "to the circumstances attending and subsequent to the resignation of Mr. Edmunds of "his office of Clerk of the Patents and Clerk to the Commissioners, and particularly to "the terms of Mr. Hamilton's letter to Mr. Edmunds of the 22d September 1864" (that is the letter authorizing the receipt of the money) "(in which he was treated rather as "a debtor than as a criminal), we are not prepared to advise that criminal proceedings "should be taken in this case?"
Those are the terms of the opinion. Perhaps I may be permitted to explain, with respect to the words "the circumstances attending the resignation," that we had in view all the circumstances which had preceded it also. I have no hesitation in saying that if it had been a dismissal after a hearing before the Lord Chancellor and the two Vice-Chancellors, our opinion in that respect would have been exactly the same.

2577. You mean even if the inquiry had taken place, and he had been dismissed?
Yes; I think so, certainly; because it would have been apparent to us, in the first place, that that dismissal would have been a serious punishment in itself; and, secondly, that such an inquiry would have been like a rehearsal of a criminal trial, the materials for it being obtained from him, without notice that use was to be made of them for criminal proceedings.

2578. *Chairman.*] The opinion to which reference has just been made was given, was it not, after more papers were submitted to you than could have been submitted to you at the time of the resignation?
Certainly. I am not sure whether the original Report would have been sufficient to enable us to come to the same conclusion or not; but of course, as your Lordship says, we had the final Report before us at the time that opinion was given.

2579. *Lord Chelmsford.*] You had the Second Report before you. I observe that you mention it?
Yes; I do not think that the subject of criminal proceedings was at all deliberately considered in the first instance, but we knew that it would have to be considered, and if it had not appeared to us that the discovery which had been obtained from him was obtained under circumstances that would not make it an absolute duty to prosecute him, we should probably have thought in the first instance of a prosecution.

2580. Lord *Taunton.*] I think you have stated that you consider a forced resignation, like that of Mr. Edmunds, as tantamount to a dismissal? Are you of opinion that there are no cases of misconduct on the part of a public servant in which it would be right not to accept a resignation, but to proceed to a dismissal?
I have no hesitation in saying that under such circumstances as these I cannot conceive such a case. Your Lordship will allow me to state what the circumstances were. The immediate proceedings had no other object whatever than to get Mr. Edmunds out of the office of Clerk of the Patents. We could only dismiss him

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th April 1865.

summarily from the clerkship of the Commissioners; we could not dismiss him at once from the clerkship of the Patents; there were ulterior considerations, no doubt, as to civil responsibility and criminal prosecution; but those considerations appeared to be left as they were. Our first object was to get rid of him, and we might not have been able to do that for months, perhaps, if we had not accepted his resignation, because he would have had it in his power to make the usual delays which any one can make who is not ready with his defence, and all the time everything would have been in a state of confusion in the office. I daresay I may be wrong; but I cannot present to my mind a case in which, under such circumstances, the object of the dismissal not being criminal justice, but the sole object being to obtain a vacancy in the office, there would have been sufficient reason for insisting upon a form of trial for that purpose, when the man said, I will give you no more trouble about it; I will resign myself.

2581. Do you not think, with regard to the discipline of the public service and the effect upon the minds of public servants, that it may sometimes be important to proceed to a dismissal in cases of great misconduct?

I think it might depend upon other considerations. Supposing the effect of a different course might be to suppress from the public all knowledge whatever of everything that had taken place, it may be that there would be advantage in the one mode of proceeding over the other; but it never occurred to our minds, I believe, as possible, that all these facts would not at the proper time, whenever that time arrived, be made known to the public, because there was a civil responsibility to a very great amount remaining unanswered. He did not eventually answer the whole of it, and indeed has not done so yet; and certainly (I speak for myself, but I believe I may say the same of all the other Commissioners,) at that time the notion that the thing was to be kept private, and not communicated, at what might appear to be the proper time, never occurred for a moment to any one of us.

2582. Lord *Stanley of Alderley.*] Did you think that no public object would be gained by any ulterior proceedings after you had accomplished your practical object by removing him from the office, that dismissal offering an example to the whole world, and at the same time being a sufficient punishment to himself?

So far as relates to ulterior proceedings for the same purpose, that was what I thought then, and I think so now.

The witness is directed to withdraw.

Ordered, That the Committee be adjourned till Thursday the 27th of April, One o'clock.

APPENDIX.

LIST OF APPENDIX.

Appendix A.

The following Papers, forming this Appendix, will be found in the Return relating to the Patent Office, printed by Order of the House of Commons, No. 173, Sess. 1865:

Patent Office Account.

Preliminary Report of Messrs. Greenwood and Hindmarch.

Second Report of Messrs. Greenwood and Hindmarch respecting the conduct of the late Clerk of the Office and his Deputy in dealing with the Public Monies.

Mr. Edmunds' Statement in reply to Preliminary Report.

Remarks of Mr. Greenwood on Mr. Edmunds' Statement.

Remarks of Mr. Hindmarch on Mr. Edmunds' Statement.

Remarks of Mr. Edmunds on Replies of Mr. Greenwood.

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Paper of Questions by Lord Cranworth - - - - - - - - - p. 321

Further Statements by L. Edmunds in answer to Lord Cranworth's Paper of Questions - - - - - - - - - - - - - - - p. 322

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Statement - - - - - - - - - - - - - - - p. 324

Appendix D.

Agreement between L. Edmunds and W. Brougham - - - - - - p. 328

Appendix E.

The following Paper, forming this Appendix, will be found in the Return relating to the Patent Office, printed by Order of the House of Commons, No. 173, Sess. 1865:

Minutes of Inquiry before J. Greenwood, Esq., Q.C., and W. M. Hindmarch, Esq., Q.C., concerning the management of the Patent Office.

Appendix F.

Second Affidavit of Lord Brougham and Vaux, dated 22d April 1865 - - p. 328

APPENDIX.

Appendix A.

For this Appendix, *see* Paper printed by Order of the House of Commons, No. 173, Sess. 1865.

Appendix B.

Paper of Questions by Lord Cranworth.

January 1865.

By Indenture between Henry Brougham of the first part, Eleanora Brougham of the second part, James Brougham of the third part, and Margaret Robinson and Ann Robinson of the fourth part,—

It is witnessed, that in consideration of 5,000 *l.* paid to said H. B. by said M. R. and A. R., and for a nominal consideration, said H. B. did grant, bargain, sell, and demise, and said E. B. and Jas. B. did bargain, sell, and confirm unto said M. R. and A. R., their executors, administrators, and assigns, the manor of Braithwaite, with divers messuages, lands, and hereditaments, in the county of Cumberland, to hold to them for a term of 1,000 years, sans waste, with a proviso for redemption by said H. B., E. B., and J. B., or any of them, on payment to said M. R. and A. R., their executors or administrators, of a sum of 5,000 *l.* with interest at five per cent. per annum, on a day long since past.

Said E. B. and Jas. B. covenanted with said M. R. and A. R. that they had not encumbered.

Said E. B. and Jas. B. covenanted with said M. R. and A. R., for payment by them, or one of them, of the said sum of 5,000 *l.*, and interest according to the proviso for redemption.

And said H. B. entered into the usual covenants for title, and further that in default of payment of the said 5,000 *l.* and interest, he or his heirs would convey the fee simple of the demised premises to some person to be named by the said M. R. and A. R. in trust for them free from the proviso for redemption.

This deed was duly executed by the said H. B., E. B., and Jas. B., and a receipt for the 5,000 *l.* is signed by H. B. alone.

By an Indenture endorsed on the preceding Indenture, dated the 1st of September 1827, and purporting to be made between Barbara Harrison, described as administratrix and sole legatee under the will of the said M. R., who survived the said A. R. of the first part, the said H. B. of the second part, and W. Brougham of the third part, reciting that said B. H. had called in the said 5,000 *l.*, and that said W. B. had lent to the said H. B., a sum of 5,000 *l.* in order to enable him to pay off the same, it is witnessed, that in consideration of the 5,000 *l.* paid to said B. H. by said W. B., she, the said B. H., at the request of said H. B., assigned to said W. B. the 5,000 *l.* and interest secured by the aforesaid mortgage, and also assigned to him, for the nominal consideration therein mentioned, the manor and hereditaments comprised in the said term of 1,000 years for all the residue of the term, subject to the equity of redemption then subsisting therein.

This Indenture is executed by the said B. H., but not by the said H. B. or W. B.

By another indenture also, endorsed on the original mortgage, dated the 6th of September 1827, and expressed to be made between the said Wm. B. of the one part, and Mary Edmunds, Leonard Edmunds, W. C. Clarkson, and the said Jas. B. of the other part, reciting that the 5,000 *l.* mentioned in the last preceding Indenture to have been lent by the said W. B. to the said H. B. was the proper money of the said M. E., L. E., W. C. C., and Jas. B., the name of the said W. B. having been used only in trust for them. It is witnessed that for a nominal consideration therein mentioned the said W. B. assigned to the said M. E., L. E., W. C. C., and Jas. B., their executors and administrators, the said mortgage debt of 5,000 *l.* and interest, and also the said manor and premises for the said term of 1,000 years. And it was declared that the sum of 5,000 *l.* so advanced by the said M. E., L. E., W. C. C., and Jas. B., was money held by them on a joint account, and that payment to the survivors or survivor should be a good discharge.

This deed was executed by W. B. only. A receipt is endorsed on the original mortgage, dated 22d January 1828, and signed by B. H., by which she acknowledges to have

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have that day received by payment of the said Jas. B. a sum of 3,065 *l.* 15 *s.*, being the balance due for principal and interest on the mortgage.

The result of these deeds, taken according to their obvious interpretation, and unless otherwise explained, is, that in 1811 Lord B. borrowed 5,000 *l.* on mortgage of a manor and lands in Cumberland, and that this mortgage debt having been called in was paid off in 1827 by four persons (who I understand were the executors and trustees of the will of Mr. Edmunds deceased), and that the security was thereupon transferred to them.

I understand, however, that Lord Brougham says that he never borrowed such a sum, and so that he must have made the mortgage only for the accommodation of his brother James, and that the 5,000 *l.*, though expressed to have been received by Lord Brougham, must have been really received by his brother. This view of the case receives strong confirmation from the fact that James joined with him in the covenant to pay the money for which, if he had been made a party merely as being the tenant or farmer of the lands mortgaged, there would have been no reason.

I should be glad, however, to have any observations on this part of the case which Lord B., W. B., or L. E. may think material.

Secondly. L. E. states that from 1827 Jas. B. regularly paid the interest on the 5,000 *l.* up to the middle of 1830, and that he made these payments on account, and as agent of Lord Brougham.

There are two questions of fact to be cleared up. Were these payments made by Jas. B., and if so, were they made on account of Lord Brougham?

What evidence has L. E. in support of these allegations?

Thirdly. L. E. alleges that for the years 1831, 1832, and 1833, he paid the interest from his own funds, having been required to do so by Jas. B. in consideration, as I understand the allegation of L. E., of his having then become entitled to a considerable salary or income under Lord Brougham as his purse-bearer and secretary.

If this is disputed by Lord B. and W. B., or either of them, I should be glad to know on what L. E. relies in support of his allegation.

Fourthly. In August 1833 L. E. was appointed by Lord B. Clerk of the Patents, with a salary of 400 *l.* L. E. alleges that at the time of his appointment he entered into an agreement with the said James B. that as to 300 *l.* per annum, part of the salary, he was to be only in the nature of a trustee, that he was to apply 200 *l.* per annum, part of the 300 *l.*, in keeping down the interest of the mortgage, and to pay over the other 100 *l.* per annum to Jas. Brougham, the whole arrangement having been represented by said Jas. B. as made for the benefit of the family of John Brougham then deceased.

James B. died at Christmas 1833, before any payment had been made to him under the last-mentioned arrangement, and L. E. alleges that immediately after the death of James (i.e. early in 1834) W. B. adopted and enforced the arrangement in all its particulars, recognized the retention by L. E. of the 200 *l.* on account of interest on the mortgage, and directed L. E. to pay to him, W. B., the balance of 100 *l.* per annum.

W. B. admits the correctness of this statement, save only that he denies that he was told, or that the fact was, that the arrangement had any reference to the family of John B. W. B. says that the estate of James was heavily burthened, and that the arrangement between James and L. E. was entered into solely for the benefit of James. In proof of which he points to the fact, that for the last 30 years L. E. has in fact applied the 200 *l.* annually in discharge of the interest of a mortgage debt of James.

He alleges that Lord B. was absolutely ignorant of any arrangement whatever between L. E. and Jas. B.

It is impossible for me to come to any decision on the part of the case relative to the mortgage, until this paper has been submitted both to Lord B. and to W. B. as well as to L. E.

I must know distinctly how far Lord B. adopts the statements of W. B. as to what passed between him and L. E.

When I have satisfied myself as to what I must consider to be the facts as to this part of the case I shall be able to come to a conclusion so far as relates to the 5,000 *l.* mortgage.

Further Statements by L. Edmunds in answer to Lord Cranworth's Paper of Questions.

January 1865.

In all matters and transactions relating to this mortgage debt and to the payments of interest thereon I dealt with J. B. on all occasions, from the 1st in 1827 to the day of his death at Christmas 1833, as the agent of Lord B. and in no other capacity. I never had any personal or private money transactions, of any kind or description, with J. B., and I dealt with W. B., on all occasions from 1834, in every respect relating to this mortgage debt and the interest thereon, as the agent of Lord B. and in no other capacity.

Jas. B. managed all Lord B.'s affairs in 1827 and long before 1827, and thenceforth to the day of his death, Christmas 1833.

I never had any doubt whatever that the money (5,000 *l.*) was borrowed of the four trustees in 1827, to pay off Lord B.'s mortgage debt, taking the assignment from the representatives

representatives of the mortgagee in the usual way. Indeed, I knew that it was so effected. I took especial care, as was my duty and interest, that the transfer was made by valid and sufficient deeds of assignment. The business was done by Mr. Leman; he settled the drafts of the deeds, as appears by his handwriting thereon.

It was never directly or indirectly, at any time whatever, stated by Jas. B. to me that the mortgage debt of 1811 had been incurred by Lord B. for his Jas. B.'s benefit. He never communicated any of his family or other affairs to me.

Jas. B. stated distinctly to me that the mortgage was Lord B.'s, and that the money was to be borrowed of the four trustees to pay off Barbara Harrison upon an assignment of the mortgage by her, she having called in the money.

I state that Jas. B. paid to me the interest on the mortgage debt, on account of L. B. and as his agent, and not on his, Jas. B.'s, own account. He (Jas. B.) paid such interest from 1827 to 1830 into my hands for transmission to my mother, who was entitled to it under the trust (I being one of the four trustees), sometimes by a cheque upon a banker, sometimes in cash. I had no banking account within those years (1827 to 1830).

I declare, that in 1833, Jas. B. created and enforced the trust upon me in manner as I have before stated in detail, and that the arrangement was made for the benefit of the family of John B. deceased. I repeat and declare that such trust arrangement was adopted by W. B. in 1834, and enforced by him in exactly the same form and terms. It appears that W. B. admits a trust as to the 300 *l.* and the receipt by him of the money, confining himself to a simple denial of the object of the trust as stated by me, and asserting that such trust had not any reference to the family of John B. He admits the payment to him by me of the balance of 100 *l.* per annum, but he does not attempt any explanation of such payment.

He simply states, "That the estate of Jas. B. was heavily burthened, and that the "arrangement between Jas. B. and me was entered into solely for the benefit of Jas. B." He makes no further explanation, but he states, alleging it as a fact, that for the last 30 years I have applied the 200 *l.* annually in discharge of the interest of a mortgage debt of Jas. B. W. B. omits, however, to state to what mortgage debt of Jas. B. the supposed payment of interest has been applied. It does not appear what evidence W. B. has adduced in support of this statement.

I positively deny this statement altogether; I never knew anything, I never heard anything whatever on the subject of Jas. B.'s supposed debts or difficulties, if any such existed, in 1827 or at any other time. Jas. B. never, at any time, disclosed his embarrassments, if any, to me. I never had any knowledge of any mortgage debt or any other debt of any description created by Jas. B.

If W. B. has stated that the 5,000 *l.* mortgage debt was treated in 1827 between Jas. B. and myself as the debt of James B., it follows that in 1833, when the arrangement was made between Jas. B. and me, that I was to retain the interest on the 5,000 *l.* out of the 300 *l.* deducted from my salary, and that I was also to pay the remaining 100 *l.* to him, Jas. B., to create a fund to pay his, Jas. B.'s, debts. No provision at all was made for the repayment of the 5,000 *l.* principal sum.

This statement of W. B., if it be rightly understood, does appear to be so incredible that it requires no answer.

W. B. has stated through Mr. Miller "that the 300 *l.* per annum was paid over "by me to him (W. B.) not for the benefit of John B.'s family, but for the purpose of "paying off some of Jas. B.'s debts." (See Mr. Leman's letter to Mr. Miller, October 1864.) It would appear that W. B., in some form or other, still insists on this statement; he, however, does not appear anywhere to have stated the particular debts of Jas. B. paid, or proposed to be paid, by him.

Is it credible? Is it possible, that Jas. B., in the year 1833, then M.P. for the borough of Kendal, brother of Lord Chr. B., who consulted him and was guided by him on all occasions, disposing of his patronage, and himself holding a high position in the world, should have come to L. E., an insignificant clerk (so to speak), and should have divulged to him that which no one at the time even suspected, that he, James B., was unable to pay his debts, and that he should have required me to provide the paltry sum of 100 *l.* per annum for the payment of such debts out of the small official income of the Clerk of the Patents? Such statement is utterly incredible, it is impossible that it should be true.

It is not true, and I positively deny that any such arrangement was ever made or even hinted at.

It does not appear that W. B. has ventured to repeat to Lord Cranworth this monstrous statement, conveyed through Mr. Miller to Mr. Leman. He contents himself with the vague and general statement, "That the estate of Jas. B. was heavily burthened, and "that the arrangement between Jas. B. and myself was entered into solely for the benefit "of Jas. B."

I had no knowledge whatever of any estate possessed by Jas. B. burthened or free; he never spoke one word to me at any time upon the subject of his estates, burthens, debts, or affairs.

The argument held by W. B. appears to be that the four trustees of the late Mr. Edmunds, I being one of the four, and Jas. B. himself being one other, lent the 500 *l.* in 1827, not to Lord B. to pay off Barbara Harrison, and to take the transfer of the security from her, which was the fact, but to Jas. B. the trustee; and at the same time he contends that at a subsequent period in 1833, Jas. B. called upon me to create a fund of 300 *l.*

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per annum out of the salary of the Patent Office to pay his, Jas. B.'s, other debts. It is scarcely necessary to say one word in answer to such a preposterous assertion.

Besides, assuming for one moment that such an impossible arrangement had been effected between Jas. B. and me in 1833, does W. B. contend that such was the trust arrangement forced by him (W. B.) on me in 1834? In such case it may be asked how has the money been applied? What debts have been paid? How was W. B. called upon to pay Jas. B.'s debts? How was he interested in the matter? Did he pay to himself a debt of 9,300 *l.* supposed to be due to him by Jas. B. at the time of his death, for he has received that sum from me?

It is material to repeat that W. B. stated to Mr. Leman, in September last, "that it "would be extremely inconvenient to Lord Brougham to pay off the 5,000 *l.* mortgage "at this time," thereby clearly admitting that the mortgage was Lord B.'s.

W. B. alleges that Lord B. was absolutely ignorant of any arrangement whatever between me and Jas. B., and that I entirely believe.

It may be asked, however, what became of Lord B.'s mortgage debt, contracted in 1811, who paid it off, and when was it paid off? W. B. does not venture to assert that it ever was paid off in any shape. I state that at the time of the arrangement, in 1833, effected by Jas. B., I fully believed and understood that Lord B. had knowledge of the transaction in some shape or other. Jas. B. spoke in the plural: "We intended this office for "the eldest son of my brother John B., but he is not old enough, therefore you must "take it, &c." I did not imagine, I could not suspect, that either Jas. B. or W. B. could either of them have ventured so gravely to compromise the Lord Chancellor behind his back in so questionable a transaction. The office in question (Great Seal Patent Office) was not only in the gift of the Lord Chancellor, but it was then, as it now is, an office under the immediate jurisdiction of the Great Seal.

I never had any personal communication with Lord B. on the subject of the arrangement. I maintained the disagreeable secret, as I felt myself bound in honour, and I would have continued so to do to the end of my life had not W. B. altogether repudiated the existence both of the mortgage debt and of the trust arrangement, and so forced me to divulge the transaction.

Mr. Leman states that the drafts of the two deeds of assignment endorsed on the mortgage deed were settled by him (Mr. Leman) in 1827, as appears by the corrections therein in his handwriting.

Reading these drafts, and speaking from recollection of the circumstances, he (Mr. Leman) can have no doubt whatever that the transaction was a bonâ fide transfer of Lord Brougham's mortgage debt to the four trustees; that the money was lent by the four trustees for that purpose; and that to his (Mr. Leman's) knowledge no debt, or obligation, or mortgage of Jas. B. was involved in the matter, in any shape whatever.

Appendix C.

APPENDIX C.

STATEMENT.

Before the Westmoreland election of 1826, Mr. Edmunds, father of Leonard Edmunds, died from an accident while canvassing for Lord (then Mr.) Brougham. This led to Lord B., his brother James B., and myself, undertaking to provide for his family. Accordingly, an appointment in India was got for one son, another was put into the navy, and the eldest, Leonard, was taken by Vizard (Lord B.'s solicitor), as an articled clerk.

When Lord B. became Chancellor, he appointed L. E. Purse Bearer with about 450 *l.* a year, and Secretary of Commissions at about 500 *l.* Sometime in 1833, James B. got Lord B. to appoint Edmunds Clerk of the Patents, from which office he received 400 *l.* a year salary, and also something from discounts on stamps. This latter amount was unknown to me, but the report of Messrs. Greenwood and Hindmarch states it to have amounted to a very considerable sum.

Upon obtaining this place for Edmunds, it appears that James B., *entirely unknown to Lord B. or to me*, made an arrangement, which I give in Edmunds' own words, as sent to me by Leman his solicitor, on *the 15th October* 1864.

"L. E. was appointed by Lord B. to the office of Clerk of the Patents in August 1833, "he being informed at the time of appointment by Jas. B. that he was to hold the office "in trust to the amount of 300 *l.* per annum for the benefit of the children of John B., "then deceased. That he was to pay 300 *l.* out of the salary of 400 *l.*; that L. E. was to "retain 200 *l.* per annum out of the 300 *l.* in payment of interest as the mortgage of "5,000 *l.* then subsisting and secured on Lord B.'s Cumberland estate, and to pay over "to him (Jas. B.) the balance of 100 *l.* by half-yearly payments.

"Jas. B. died, Xmas 1833, a few months after the appointment to the office and the "above-mentioned arrangement, and therefore no payment on account of the 100 *l.* was "ever made to Jas. B. by L. E.

"Immediately after the death of Jas. B., Wm. B. adopted and enforced the arrange-"ment in all its particulars; recognized the retention by L. E. of the 200 *l.* on account of "interest on the mortgage, and directed L. E. to pay to him (Wm. B.) the balance of "100 *l.* per annum."

The

The above statement is correct except as to the time of my being informed, and except in this particular, that it may be thence inferred that *I* was told by L. E. that the 300 *l.* was held in trust for the benefit of the children of John B., deceased. No such statement, nor anything at all like it, was ever made to me. On the contrary, I believed that the arrangement was made solely for the benefit of *James* B. himself, and that it was wholly to be applied to extinguish some debt of *his;* and this view, *which I know to be correct,* is confirmed by the fact, that for thirty years L. E. has himself applied 200 *l.* a year in payment of interest on *a* mortgage debt of 5,000 *l.*, and that *I,* soon after I was told the arrangement, applied the 100 *l.* a year paid to me, to effect an assurance for 3,000 *l.* on the life of L. E. in order that *James* B.'s debt should be wholly or in part paid off on L. E.'s death by the said 3,000 *l.* and bonuses. My reason for doing this was, that I knew the relief to *James* B.'s estate, arising from the 300 *l.* arrangement, would cease on Edmunds' death, and that inasmuch as the sole object James B. had in making the arrangement, was to relieve *his* own greatly overburthened estate, it was my duty, as trustee for carrying out his wishes, strictly to apply the whole benefit, arising from the arrangement, in paying off some debt of his.

If Edmunds were to die now, the above policy would produce about 4,200 *l.*; so that my application of the 100 *l.* a year will nearly pay off James B.'s debt of 5,000 *l.*

I myself have never benefited one farthing by the arrangement. At the time it was entered into, Lord B. knew nothing whatever of it; nor has he, up to the present moment, any knowledge or suspicion of the matter.

Always bearing in mind the wish of all of us to do our utmost for Edmunds and his sisters (his two brothers being at this time provided for), Lord B. in the autumn of 1834 got Lord Melbourne to appoint Edmunds Clerk of the Crown. This place of 1,000 *l.* a year was given to him without any condition whatever.

In February 1848 Edmunds earnestly pressed me to ask Lord Cottenham to appoint him to the table of the H. of Lords, he giving up the clerkship of the Crown for Lord Cottenham's eldest son. I accordingly saw Lord C. and showed him that his son might, as a peer, be clerk of the Crown, as Lord Bathurst had been, but could not possibly be a clerk at the table. Lord C. then consented to the arrangement, and Edmunds thus, through my means, got 1,500 *l.* a year for the 1,000 *l.* he gave up.

From this time till 1852 he had a CLEAR income of 1,800 *l.* a year, 1,500 *l.* of which *he owed entirely to me and to Lord B.*

Being Clerk of the Patents, he was in 1852 appointed Patent Clerk to the Commissioners, with a salary of 600 *l.* a year. This he owed indirectly to *James* B. who had procured for him the clerkship of the patents.

From 1852 to August 1864 his *clear* income was 2,400 *l.* a year.

In 1864 it was discovered that he had for a long series of years kept in his own hand and applied to his private purposes monies belonging to the public and received by him as patent fees.

Messrs. Greenwood and Hindmarch, appointed to inquire into the control of the Patent Office, reported on 12th July 1864, that Mr. Edmunds' practices "were without excuse, "dishonest and disgraceful," and that he had "frequently drawn considerable sums out of "the public monies of the office *for his private use.*" "That he purchased stamps with "the public monies, at wholesale prices, sold them in the Patent Office at retail prices, and "put the difference into his own pocket."

Messrs. Greenwood and Hindmarch had, in July last, reported that "Edmunds had "retained in his hands, between August 1852 and July 1864, 2,681 *l.* 19 *s.* 2 *d.* belonging "to the public;" but it turned out that he had retained a much larger sum, and going back far beyond 1852; and, accordingly, he has actually paid into the Treasury last September no less than 7,872 *l.* 5 *s.* 6 *d.*

Messrs. Greenwood and Hindmarch found, by an examination of the bankers' books, that Edmunds "had drawn out monies belonging to the public *from* 1834 *to* 1857, "amounting to 6,670 *l.* 2 *s.* 11 *d.*, and used them for his private purposes."

On the 11th of October last I received from Mr. Leman, Edmunds' solicitor, the following letter:—

"I am sorry to say that a *further* claim of between 2,000 *l.* and 3,000 *l.* will fall to "be paid to the Treasury. It arises from his clerk, Ruscoe, having since 1845 received "12 *s.* 10 *d.* on the grant of each patent more than he paid over to L. E., and, conse- "quently, this accumulated sum is due from L. E. to the Treasury. This new feature "in this horrible business only came to my knowledge a day or two ago. There are some "facts connected with these deductions of 12 *s.* 10 *d.* which press heavily against him, in "inducing any one to believe that it was done without his concurrence. In the mean- "time his monies are exhausted, and all he has left is 5,000 *l.* secured on the Brougham "property."

This was the first time I ever heard of his having any claim against LORD B.; and on the 12th of October I wrote to Leman, saying I knew nothing of any claim against *Lord* B.

On the 14th October I received from Leman copies of two drafts, which he says "will "put you *au fait* of the 5,000 *l.* mortgage, which you are a party to, and which are indorsed "on the mortgage made by Lord B. to Margaret Robinson. The payment of the 5,000 *l.* "to JAMES B. appears* in Coutts' books."

On

* See Leman's letter of 13th October.

Appendix C.

On the 14th October I wrote as follows:

"My dear Leman. Until I read the two drafts you sent me to day, I had not the most "remote idea that I had been made use of as a trustee in the transaction the drafts refer "to. Lord B. has read over the drafts, and declares *most positively* that he knows nothing "of the transaction, and that he owes no such sum.

"Ever yours,
"W. B."

On the 16th October I received from Mr. Leman the paper from which I have already extracted Edmunds' account of the 300 *l.* arrangement.

On the same day I answered as follows:

"My dear Leman. I trust you will believe that I have no wish to evade any obli- "gation I may have bound myself to fulfil; but *I* was no party to, nor was I ever told of, "the arrangement of 1833 referred to in the statement I have received from you to day. If "I acted upon it subsequently it was from information furnished by L. E.

"Of one thing I am PERFECTLY CERTAIN, that Lord B. never at any time had any "knowledge of the matter.

"You will I think admit that *I* have shown no disinclination to do all in my power to "help L. E., and I still will continue to do so, notwithstanding his conduct to Lord B., "but I neither can, nor will, make him a present of 5,000 *l.*

"Ever yours,
"W. B."

I then wrote to Mr. Miller, Chief Registrar in Bankruptcy, desiring him to see Leman, and to ascertain what was the mortgage that they said made *Lord* B. liable to Edmunds. Leman told him it could not be found, but he supposed must have been sent to Brougham in 1843, with other title deeds, then sent from Vizard's office.

On 21st October Miller came to Brougham and told me this.

I said, "I had never seen such a deed, but if here, it would be found in the strong "room." We searched, and there it was. It was dated March 1811. From Lord B., *James* B., and Mrs. B. (Lord B.'s mother), to the mortgagee.

James B. had all the beneficial interest in the estate mortgaged; but he was made a party, and joined with Lord B. (who had the legal estate) in the covenant to pay. It was, therefore, most probable, that although Lord B. was *legal* mortgagor, that he was raising the 5,000 *l.* for his brother, and not for himself. He declares he never received any part of the 5,000 *l.*, and that from 1811 to the present time, he never paid, or authorized any one to pay interest. Again, when in 1827 the original mortgagee is paid off, the 5,000 *l.* from Edmunds' trustees is paid to *James* B., who pays off the original mortgagee. And the receipt on the back of the deed states that the payment is made by *James* B.

Hence the discovery of the deed confirmed what had been *my* impression throughout; viz., that this debt was *James* B.'s and not *Lord* B.'s, and that the whole arrangement of 1833 had reference *solely to a debt of James B.'s.*

This mortgage debt as regards *Lord* B. is gone. He received no part of the 5,000 *l.* borrowed. He never paid interest either by himself, or by any one authorized by him, or with his knowledge, privity, or consent. He has never acknowledged the transaction, beyond signing the deed of 1811, 53 years ago. Although made a party to the indorsement on the deed, by which the mortgagee assigns the debt and premises to me as a trustee, yet he never executed that indorsement. It is executed by the mortgagee alone.

The loan from Edmunds' trustees in 1827 was made and paid to *James* B. at Coutts' bank, and accordingly the mortgagee, in the receipt for the money, acknowledges to have received it from *James* B., "in full satisfaction of all principal and interest due on the "within mortgage."

The 200 *l.* a year which Edmunds informed me in 1833 was applied by him in payment of interest upon *a* mortgage, I always believed to refer to a mortgage debt of *James* B.'s. And when in a letter he wrote to me on the 26th January 1863, he speaks of the "mort- "gage he holds on the Cumberland estate," I concluded he referred to a mortgage upon *James* B.'s Cumberland property, and in recognizing the payments of interest, I referred solely to interest on a debt of *James* B.'s. Hence no admission ever made by me can affect or bind *Lord* B.; neither was Edmunds, when he paid the 200 *l.* a year to the mortgage of 1827, so paying it, *as Lord B.'s agent.*

I never for a moment intended to take this 5,000 *l.* debt upon myself. Yet when I found that the money *had* been advanced by Edmunds or his family, I considered it right that they should be secured. And accordingly I authorized Mr. Miller to propose that I should, upon certain conditions, put an end to the 300 *l.* arrangement, *and take the whole debt upon myself.*

This was rejected. Edmunds insisting upon an unconditional admission of the mortgage, threatening if refused, to publish the whole arrangement of 1833, and using language both against Lord B. and me, of such a nature, that Mr. Miller felt himself obliged to decline further communication with him, and told him "that after entering into the 300 *l.* "arrangement, no man of honour could think of disclosing it, as its very nature implied a "pledge of secrecy."

A proposal was then made by Leman, that I, as trustee under the indorsement of 1827, should give an admission in writing that "all the sums of 200 *l.* a year had been payments "of

" of interest upon the mortgage created by Lord B. in 1811," thus in effect to set up that mortgage as against Lord B.

Mr. Miller in reply said he could not ask me to sign such a memorandum, unless all letters and copies of letters in any way relating to this subject were given up, but on Leman proposing this to Edmunds, he refused, saying, " Even if the memorandum is " signed, I shall still tell Lord B., and I will let the world know it."

Whereupon Mr. Miller withdrew all consent, and told Leman that " Edmunds' threats " and abusive language respecting me, made it impossible I could further treat with or " trust him."

On the 15th November, Mr. Miller, in a letter informed me, " That on pressing Leman " as to L. E.'s motive for retaining the letters, he admitted that one motive, and *an* " *avowed one*, was to sue ME for the restitution of what he (L. E.) called the 10,000 *l.* " extorted from him!"

It appears hard and unaccountable, that after all I have done for him, his conduct to *me* should be so extraordinary, but the cause of all this spite and evil feeling on his part, is *that Lord B. has turned him out of Grafton-street.*

Now, in justification of this proceeding of Lord B.'s, the following statement is necessary:—

In addition to the enormous money benefits conferred upon him, Edmunds has for 30 years lived in Lord B.'s house, boarded and lodged, and been in fact a member of Lord B.'s family.

When the dreadful discovery, that he had for years been using public money for his private purposes, first came to light, Leman begged me to come up to London to assist and advise. I at once took the journey, and got to London on the 10th of August last.

I did all in my power to help, especially by using my influence with Mr. Gladstone, and SUCCESSFULLY; from that time forwards, both Lord B. and myself supported Edmunds, contending and fully believing that he had a satisfactory answer to the charges against him.

On the 17th September, Leman came to Brougham, and brought with him Edmunds' case and answer, as settled by Mr. Haynes, the barrister.

When, upon reading this, Lord B. found that the material charge, that " he had not only " omitted to pay to the Treasury fees which he had received for patents, but that he had " for years used that money for his own private purposes," *was admitted by Edmunds to be true*, he said to me, " After this, I can no longer allow him to live in my house, you " must tell Leman that he (Edmunds) *must* leave Grafton-street."

When Lord B. arrived in Grafton-street in October, he found to his astonishment that Edmunds' servant called every day for his letters, and that his things were still left in the bedroom that he had always occupied.

Lord B. believed this was done to show people that he had only left Grafton-street *for a time.* He was exceedingly indignant, and ordered that no more letters should be taken in, and directed all his things to be sent to his lodging.

From that moment, Edmunds' anger knew no bounds; and then began the system of threats he has been since pursuing.

With respect to my statement that I was ignorant of the existence of the mortgage of 1811 until I saw the copy draft on the 14th of last October, while I freely admit that by signing the indorsement of 1827, I had *legal* notice of the deed, yet the fact is undoubted, that I had never looked at, or read it. I was told my name was used only as a trustee upon the occasion of a debt to an original mortgagee being paid off by an advance of money from the trustees of Edmunds' family; and in point of fact, I never fully knew the contents of the deed of 1811, until Mr. Miller found it in the muniment room at Brougham on the 22d October last.

I am still as anxious as ever, that this money should be *ultimately* repaid. And I am, therefore, willing to take upon myself this debt, to guarantee the payment, but without interest in the meantime, three months after Edmunds' death (at which time the monies due on the policy for 3,000 *l.* will become payable), and releasing him for all future payments of 300 *l.* a year, take upon myself the annual premiums on the said policy, depositing the policy with Leman as his solicitor, or with any other person on his behalf; and in addition, depositing such other securities as will, with the present amount of the policy and bonuses, make up the sum of 5,000 *l.* Or I will enter into any covenant Leman may require to pay the 5,000 *l.* principal three months after Edmunds' death. I require that Edmunds shall give up all letters and copies of letters in any way relating to, or referring to, the 300 *l.* arrangement.

Brougham, 20th December 1864. *W. Brougham.*

Appendix D.

APPENDIX D.

We hereby agree to refer all questions and disputes between us the undersigned, touching a certain annual payment of Three hundred pounds heretofore made by the undersigned Leonard Edmunds to the undersigned William Brougham, and touching a certain mortgage debt of Five thousand pounds secured on the Estates of Henry Lord Brougham ~~and a certain other debt of one thousand two hundred pounds due from the undersigned William Brougham to the undersigned Leonard Edmunds~~ and all other claims and differences pending between the said Lord Brougham, William Brougham, and Leonard Edmunds to the award, arbitrament, and final determination of the Right Honourable Richard Monsey Lord Cranworth. And we agree to abide by, observe, and perform all and whatsoever the said Lord Cranworth may direct to be done in the premises by us, and each and either of us. Dated this eighth day of December One thousand eight hundred and sixty-four.

L. E.

L. Edmunds.

Witness to the signature of William Brougham,
James Leman.

Appendix E.

APPENDIX E.

For this Appendix, *see* Paper printed by Order of the House of Commons, No. 173, Sess. 1865.

Appendix F.

APPENDIX F.

SECOND AFFIDAVIT OF LORD BROUGHAM AND VAUX.

My Lord, Château Eléonore, Cannes, 22 April 1865.

If I had found it possible to be in London on the 27th instant, I should have offered myself to give to the Edmunds' Committee some important evidence, in addition to that contained in my affidavit made on the 27th of March last; but as I cannot yet venture to leave this climate, I have now to request your Lordship to lay before the Committee at their next meeting my further affidavit which accompanies this letter.

I have the honour to be,
Your Lordship's very obedient servant,
(signed) *Brougham.*

The Earl Granville,
&c. &c. &c.

IN the Matter of the Inquiry into the circumstances of the Resignation by Mr. Edmunds of certain offices, and of the Pension granted to him by the House of Lords.

I, Henry Lord Brougham and Vaux, make oath and say, That when I made my affidavit in the above matter on the 27th of March last I knew nothing of the specific charges made against me, or against any member of my family, by the said Edmunds, nor did I know that the Committee appointed to investigate the above matters intended to pursue their inquiries beyond the circumstances of the said Edmunds's original appointment as Clerk of the Patents, and to travel into the private concerns of my family, and, among others, into the circumstances of a mortgage debt alleged to have been incurred by me in 1811,—more than half a century ago. Now I make oath and say, that I made over the premises so mortgaged, and which are known by the name of "The Howes Farm," which forms no part of the Brougham estate, to my late brother James Brougham, in the year 1810; that from that time no part of the rents has ever been received by me, or by any person on my account or for my benefit; that my said brother James was put into possession of the said premises in 1810, and continued to be sole beneficial owner thereof until his death in December 1833; that from his death until the present time the whole rents of the said premises have, by my direction, been applied towards the payment of his debts and liabilities; that the money borrowed in 1811 on the security of the said premises was borrowed by my said brother James solely for his own use, and was wholly received and wholly enjoyed by him; that the legal estate in the said premises being still in me, I was a necessary party to the said mortgage deed, which I executed in 1811, and which I have never seen, from that day to this, nor heard of, till October last; that I have been informed

informed there was some transfer of the said mortgage in 1827; I say that I was never told of any such transaction at the time; that I never received nor dealt with any part of the money, and that I never executed any such transfer; and further say that no claim has ever been made to my knowledge for interest upon any such debt, and that I did not know and did not believe that at the time of my said brother's death in 1833 such mortgage still existed, and therefore that I from my brother's death until the present time directed all the rents of the said premises to be applied in relief of different liabilities affecting my said brother's estates; that the first time I heard of any claim was in a letter from James Leman, solicitor of the said Edmunds, some time in October last, in which he stated that the said "Edmunds's funds were exhausted, and that he had nothing left but "a mortgage for 5,000 *l.* upon the Brougham property," or words to that effect. And I further say, that well knowing there was no such mortgage upon the Brougham property, I directed my brother William Brougham to write to the said Leman, that "I knew of "no such debt, and that I owed no such sum;" that late in the same month of October the mortgage deed of 1811 upon the said Howes Farm was found, as I have been informed, in the muniment room at Brougham, but I was not there, and I never saw and never since have seen the said deed. And I further say, that after I had left England I was informed that the question of the validity of the said mortgage was to be referred to Lord Cranworth. And I further say, I have been informed and believe that the said Edmunds has stated upon oath that I was kept in ignorance of such reference. Now I say that such statement is absolutely false, for I was not only informed of such intended reference at the time, but I afterwards sent to the said Lord Cranworth in December last from Cannes a paper signed by me, in which I stated that I submitted in all respects to his arbitration and award. And I further say, that acting under the firm conviction and belief that I owed no such debt, and that the claim so made against me by the said Leman on behalf of the said Edmunds in respect of a debt of 5,000 *l.* alleged to be secured on the Brougham property was as regards me an unjust claim, I directed my said brother William to resist and oppose the same by every means in his power, and to urge upon the said Lord Cranworth, that inasmuch as no interest had ever been demanded of or paid by me or by my order, or with my knowledge, privity, or consent, in respect of any such debt, that such liability, if it ever existed, ought not now to be pressed against me, and I believe that my said brother did accordingly resist such claim on my behalf. And I further say, that if, as I have been informed and believe, my said brother ever offered to take upon himself such debt, such offer was purely voluntary on his part, and having been made without my knowledge or consent could in no way render me liable for any such debt. And I further say, that the said premises are now liable to the claims of certain creditors of my said brother James to an amount largely exceeding the value thereof, so that if the said claim for 5,000 *l.* were extinguished by the money which I am informed and believe is secured on the said Edmunds's death by a policy for 3,000 *l.*, or in any other manner, the said premises would become at once available to satisfy the claims of the said creditors, but would confer no benefit upon me or upon any member of my family. And I further say, that neither I nor any existing member of my family have ever benefited or ever can, under any possible circumstances, benefit by any payments that have ever been made by the said Edmunds in respect of the said debt or otherwise. And I further say, I have been informed and believe that the said Edmunds has stated upon oath that Alfred Montgomery, a Commissioner of the Board of Inland Revenue, told him that I had said to him, the said Montgomery, that I had given him the said Edmunds the said Patent Office on the understanding that the proceeds were to be applied for the benefit of his brothers and sisters. Now I say that such statement, whether made by the said Edmunds or by the said Montgomery, is false, for I say that I did not give the said Edmunds the said Patent Office upon the understanding that it was to be for the benefit of his brothers and sisters, or upon or coupled with that or with any other condition or understanding whatever. And I further say, that I never said, either to the said Montgomery or to any other person, that I had so given the said office, and I say that such statement is altogether untrue, whether made by the said Montgomery, but which I entirely disbelieve, or invented by the said Edmunds. And I further say, that when the said Patent Office became vacant by the death of William Henry Scott, I had full power and absolute right to have given it to any member of my own family, as Lord Northington and as Lord Eldon had done,—the former to his daughter in her marriage settlement, the latter to his son William Henry Scott, and that if I had followed the example of my predecessors in office some member of my family would have enjoyed for his life a sinecure of nearly 4,000 *l.* a year, but so far from having the desire to unduly enrich my family at the expense of the public I voluntarily abolished the said sinecure, replacing it by the said office of 400 *l.* a year, which I gave to the said Edmunds. And lastly I say, that from November 1830 to November 1834 the said Edmunds enjoyed by my gift the two offices of Purse-bearer and Secretary to the Commissioners of the Peace, and that such offices, while I held the Great Seal, were paid by fees, and averaged together a sum exceeding 1,100 *l.* a year, although they were afterwards, as I believe in Lord Cottenham's time, reduced in amount, and paid by fixed annual sums. And I further say, that when the said Edmunds lost the said offices by the change of Government in 1834 I had obtained for him from Lord Melbourne the clerkship of the Crown, at that time 600 *l.*, but afterwards raised to 1,000 *l.* a year, and which office, in 1848, he the said Edmunds exchanged for the clerkship in the House of

Appendix F.

Lords, the salary of which was 1,500 *l.* a year, and that he thereby gained 500 *l.*, and not 300 *l.* a year, as I am informed he has sworn before the Committee. And I further say, that shortly afterwards the said Edmunds obtained an additional 600 *l.* a year as Clerk to the Commissioners of Patents, and that he added to his already large income a further sum of not less than 300 *l.* a year from discounts upon patent stamps.

Sworn this 22d day of April 1865, before the British Vice-Consul at Cannes in France.

(signed) *Brougham and Vaux.*

These are to certify, That the foregoing is the true and genuine signature of the Right Honourable Lord Brougham.

Cannes, 22 April 1865.

(signed) *Augs. Borniol,*
H.B.M.'s Vice-Consul at Cannes.

Je certifie que le sceau apposé d'autre part est le vrai sceau de M. le Vice-Consul de Sa Majesté Britannique à Cannes.

(signed) *C. Borniol,*
Cannes, 22 Avril 1865. Notaire Public à Cannes.

REPORT

FROM THE

SELECT COMMITTEE

ON

LEEDS BANKRUPTCY COURT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1865.

Martis, 23° *die Maii*, 1865.

Ordered, THAT a Select Committee be appointed to inquire into all the circumstances connected with the Resignation of Mr. Henry Sedgewick Wilde as Registrar of the Court of Bankruptcy at Leeds; the granting him a Pension; the appointment of Mr. Welch to the said Office; and whether he was to resign his appointment in favour of the Honourable Richard Bethell and receive another appointment in London.

Veneris, 26° *die Maii*, 1865.

Ordered, THAT the Select Committee on the Leeds Bankruptcy Court do consist of Five Members, to be nominated by the General Committee of Elections, and that Two other Members, to be named by the General Committee of Elections, be appointed to serve on the Select Committee to examine Witnesses, but without the power of Voting.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Martis, 30° *die Maii*, 1865.

Sir Francis Baring reported from the General Committee of Elections—That in pursuance of the Order of The House they had nominated the following Five Members to constitute the Select Committee on the Leeds Bankruptcy Court:

Edward Christopher Egerton, Esquire,
Thomas William Evans, Esquire,
Edward Howes, Esquire,
Colonel the Honourable L. G. Douglas Pennant,
Henry Hussey Vivian, Esquire;

And had also named,—
The Lord Advocate, and
William Bovill, Esquire,

to serve on the Select Committee to examine Witnesses, but without the power of Voting.

Jovis, 8° *die Junii*, 1865.

Ordered, THAT the Return, "Leeds Bankruptcy Court," [presented 19th May], be referred to the Committee.

Jovis, 22° *die Junii*, 1865.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to the House.

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REPORT.

THE SELECT COMMITTEE appointed to inquiry into all the circumstances connected with the RESIGNATION of Mr. *Henry Sedgwick Wilde* as Registrar of the Court of Bankruptcy at *Leeds;* the granting him a Pension; the Appointment of Mr. *Welch* to the said office; and whether he was to resign his Appointment in favour of the Honourable *Richard Bethell*, and receive another Appointment in *London*;—HAVE considered the matters to them referred, and have agreed to the following REPORT:—

1. THE subject before Your Committee consists of an inquiry, first, into the circumstances connected with the resignation by Mr. Wilde of the office of Registrar in the District Court of Leeds; secondly, the granting him a pension; thirdly, the appointment of Mr. Welch to the office; and, fourthly, the suggestion that Mr. Welch was to resign that office in favour of the Hon. Richard Augustus Bethell, and receive another appointment in London.

2. Your Committee must state, at the outset, that their difficulties have been greatly increased by the extremely unsatisfactory and contradictory nature of much of the evidence which has been brought before them. They believe that reliance may be placed in the correctness of the following statement.

3. On the first head the facts are these:—In the beginning of the year 1864, in the course of a general examination which had been instituted as to the Court of Bankruptcy by the Lord Chancellor, an inquiry took place into the alleged misconduct of some of the officers of the Leeds District Court; viz. the two registrars, Mr. Payne and Mr. Wilde, two official assignees, and two messengers.

Ev. Lord Chancellor, 3312. Miller, 533. 540.

Parliamentary Paper 1865, No. 295.

4. Charges were brought against Mr. Wilde and Mr. Payne; and after some correspondence, which appears in the Return No. 295, of Sess. 1865, and also in the Appendix to this Report, the following letter was sent to Mr. Wilde by Mr. Miller, the Chief Registrar of the Court of Bankruptcy:

Ev. 44.

"Dear Sir, "Court of Bankruptcy, 16 May 1864.

"BY the same post which carries this, you will receive copies of four Reports lately "made to the Lord Chancellor by Mr. Commissioner Ayrton and Mr. Harding on the "subject of the returns and accounts of the official assignees and messengers of the Leeds "Court, and of the examinations on which these Reports proceeded; and I am directed "by the Lord Chancellor to request that you will immediately furnish Mr. Commissioner "Ayrton with any explanation you may desire to give of the charges against you involved "in these documents, and which appear to be:—

"1. That accounts which ought to have been submitted to and allowed by your "Commissioner, were certified by you as having been submitted to and sanctioned by "him, without his having ever seen such accounts; and that thereby large sums had "been improperly allowed to the official assignees.

"2. That you have been in the habit of taxing the bills of the messengers, without "calling for the production of the vouchers for the sums alleged to have been paid by "them; and,

"3. That you had borrowed money both from the official assignees and messengers "of the Court, and thereby destroyed your independence and efficiency.

"I must trouble you to acknowledge the receipt of this letter, and of the copies of the "Reports and Examinations.

"Yours, &c.

"H. S. Wilde, Esq." "*John F. Miller.*

5. Copies of the Reports and Examinations referred to in the above letter are contained in the Appendix.

6. A similar letter was, on the same day, sent to Mr. Payne.

Ev. 74. 7. No explanation having been given by Mr. Wilde in answer, the following letter was sent to him:

"Dear Sir, "Court of Bankruptcy, 24 May 1864.

"I AM directed by the Lord Chancellor to request that you will within one week "from this day put Mr. Commissioner Ayrton in possession of the explanation called "for by my letter of the 16th instant, otherwise you will be served with notice to "appear and show cause in open court why you should not be dismissed from your office "of registrar.

"Yours, &c.

"H. S. Wilde, Esq." (signed) "*John F. Miller.*

Ev. 48. 76. Mr. Wilde, on the 30th of May, sent an explanatory statement of that date to the Lord Chancellor, who, in accordance with his custom, sent it to Mr. Miller. 3320. The statement is set forth in the Appendix. 3349.

88. 8. On the following day Mr. Wilde was examined, together with Mr. Payne and Mr. Nedell, one of the messengers of the Leeds Court, before Mr. Commissioner Ayrton, and their examinations, with Mr. Ayrton's report, dated June 3d, and a letter and model bill thereto attached, were sent to Mr. Miller; a copy of these documents is contained in the Appendix.

Ev. 95-101. 9. Mr. Miller states that copies of the last-mentioned report and other documents were sent on the 9th of June, with the letter of that date set forth in the 2880. Appendix, to Mr. Wilde and to Mr. Payne; Mr. Wilde denies that the letter and 902. copies were ever received by him or by Mr. Payne; and no acknowledgment of the receipt of this Report was either asked for or received by Mr. Miller. 955-70. About the same time, however, it appears that both Mr. Wilde and Mr. Payne received blank envelopes from the Court of Bankruptcy, about which neither of those gentlemen thought it necessary to make any immediate inquiry. Your 2916 *et seq.* Committee have directed their attention closely to this matter, because it appeared, on examining the letter-book kept in Mr. Miller's office, that he had with his own hand entered in the book a copy of the letter of the 9th of June, which was the only letter so copied by him; and because, from the state of the page in which the letter was copied, and the erasures and alterations of the paging in the index, referring to these and other letters to Mr. Payne and Mr. Wilde, there was grave cause for suspicion that the entry of this letter was a 2963. subsequent interpolation. Mr. Miller, however, stated that he copied the letter 2946. on the day of its date after his clerks were gone. Copies of the report and 2879. other documents were undoubtedly made for the office at the time by the law stationer, and it is certainly possible that in the hurry of business the copies were lost or mislaid, and were not, in fact, sent. Both Mr. Miller and Mr. Stewart, his clerk, were examined on this point, and were unable to explain the erasures and alterations in the index referring to these letters; but the erasures and alterations in the index to the letter-book are not confined to these letters only, and the book generally has not been kept in a creditable manner. The course subsequently adopted by Mr. Wilde, in electing to retire without a public investigation, makes the non-receipt of the letter of less importance as regards himself, although it was in some degree in consequence of no answer having 3356. been received from him to the report of the 3d of June, that the letter of the 26th of that month was sent.

10. Your Committee are decidedly of opinion that the charges mentioned in the letter of the 16th of May, supported by the joint report of Messrs. Ayrton and Harding, and the separate report of Mr. Ayrton, however explained or palliated by Mr. Wilde in his statement and examination, fully justified the Lord Chancellor in calling on Mr. Wilde to show cause in open court why he should not be dismissed.

Ev. 3312. 11. The Lord Chancellor states that although he was unwilling to take that course, it was the only mode by which Mr. Wilde could be compelled to render an account; and he thought it requisite that some public notice should be taken of Mr. Wilde's conduct, because he had been reproved on two former occasions;

sions; and that his Lordship's purpose was that he might have a public hearing of the matter. 3327.

12. His Lordship accordingly directed Mr. Miller to give Mr. Wilde notice to appear before him. 3332.

13. Mr. Miller thereupon sent the following letter:—

"Sir, "Court of Bankruptcy, 26 July 1864.

"It grieves me much to inform you that unless I hear in course of post that you mean "to apply to be allowed to retire, I have instructions from the Lord Chancellor to serve "you with notice to appear before him publicly in open court, and show cause why you "should not be dismissed from your office of registrar.

"It is said that your state of health is such that you can have no difficulty in obtaining "such a medical certificate as would entitle you to retire under the 33d section of the "Bankruptcy Act, 1861; and if this be so, I sincerely trust, for your own sake, that you "will see the propriety of relieving the Chancellor from the very disagreeable and, "indeed, painful duty which is thrust upon him.

"I am, &c.,

"H. S Wilde, Esq." "*J. F. Miller.*"

14. Mr. Miller states that the first part of this letter, including the passage as to the course of post and the application to retire, was strictly in accordance with the directions of the Lord Chancellor; but that for the second part he had no instructions; he added it as a mere matter of kindness to Mr. Wilde; and he seems to have considered that to avoid a public hearing in Court would be not only desirable for Mr. Wilde's sake, but also acceptable to the Lord Chancellor; and that the suggestion of retirement (in the sense of retirement with a pension if a case for a pension could be made out) was intended by the Lord Chancellor. Ev. 107. 120. 133. 163. 165. 208–221.

15. The Lord Chancellor distinctly denies that he gave Mr. Miller any authority to connect the notice to Mr. Wilde with anything about his retiring; but his Lordship adds, "It is just possible I may have said to Mr. Miller in "conversation, unless he resigns I have no other alternative than to bring him "into Court. I must have him in Court for the purpose of considering whether "he ought or ought not to be dismissed, but I will accept his resignation if he "makes it. Mr. Miller had no instruction from me to do anything but to give "him the notice to appear, but it is undoubtedly possible that I may have said "to Mr. Miller that I would accept his resignation, meaning resignation without "any pension." 3329. 3333.

16. The letter was not shown to the Lord Chancellor before it was sent; and his Lordship, upon his attention being called to the term "course of post," expressed his astonishment to find a letter written in such language. Ev. 226. Ev. 3326.

17. Mr. Miller, on the Lord Chancellor's evidence being subsequently shown to him, adhered in the main to his former statements. 3456–3482.

18. Your Committee cannot but regret extremely that such a letter as that of the 26th of June should have been written by the Chief Registrar, not merely on account of the impropriety of its terms, but because the suggestion of retirement probably induced Mr. Wilde to apply at once for a pension, and thus frustrated the Lord Chancellor's declared intention of having the charges against Mr. Wilde publicly heard in Court. Mr. Wilde pressed your Committee to enter upon a further investigation of these charges; but, as there appeared to your Committee to be no ground whatever for any suspicion that there had been any improper motive for preferring the charges against Mr. Wilde; and as, moreover, the reports and documents (including Mr. Wilde's own explanatory statement) clearly supported those charges, at least to such a degree as to justify the Lord Chancellor in calling on Mr. Wilde to answer them in open Court; and further, as Mr. Wilde had himself chosen to retire on a pension rather than submit to a public inquiry into his conduct, your Committee refused to prolong an investigation, which, whatever its result might have been, must have been far less satisfactory in its nature than that which Mr. Wilde had declined.

19. Upon the second head of inquiry, it appears that Mr. Wilde, on receiving the letter of the 26th of June, determined to apply for permission to retire on a pension. 867–8.

Ev. 857-9. 20. Mr. Miller has not explained satisfactorily what was the source from which he derived his information, that Mr. Wilde's state of health justified a pension. Mr. Wilde had not, in fact, suffered from anything but some affection
1071 of his eyes; he states that he had consulted Mr. Hey, an eminent surgeon in
Ev. 946. Leeds, during some months previous, and that Mr. Hey had suggested his
948. retiring, but says that he had not felt the inconvenience so great as to induce him to do so. Mr. Hey, on being applied to for a certificate, gave one, in the following words:—

"Leeds, 28 July 1864.

"I hereby certify that I have been consulted by Mr. Henry S. Wilde, on account of a "failure in his sight, which was a serious hindrance to him in the performance of the duties "of his office. Mr. Wilde first consulted me in August 1863. At his age, I cannot look "for any improvement in his vision.

"*Samuel Hey*, F. R. C. S."

305. The date, 28 July, appears to have been written in a different handwriting from
306. that of the body of the certificate.

Ev. 1072. 21. Mr. Hey seems to have known the object for which the certificate was required, and to have declined to express it in stronger terms.

22. The other necessary documents were a petition, stating the grounds of retiring, and an affidavit by the petitioner, verifying the statements of the petitioner.

23. Mr. Miller, after denying that he had anything to do with the petition, admitted that he had himself prepared it; he stated that he had the facts as to
Ev. 322. 368. Mr. Wilde's eyesight from his cousin, Mr. Charles Wilde; but Mr. Charles Wilde positively denies having given any such information, or even having seen
Ev. 3196-7 *et seq.* or communicated with Mr. Miller on the subject.

Ev. 237. 318. 24. The petition, affidavit, and certificate were submitted by Mr. Miller to the Lord Chancellor, on the 30th of June. Mr. Miller states that he called the attention of the Lord Chancellor to the unsatisfactory nature of the certificate,
330. and that the Lord Chancellor said that, coupling the language of the petition,
385. the affidavit and the certificate together, there was a sufficient case to enable him to make the order.

See Appendix. 25. The order was made the same day.

Ev. 3361-3365. 26. The Lord Chancellor in his evidence states that he cannot remember his attention being called to the certificate. He says, "The petition, affidavit, and "certificate were presented to me, and I ought in strictness to have read them "all. I certainly could not have read the medical certificate, or I should not "have allowed it to have passed upon that certificate." His Lordship says
3312. also, "Those papers were certainly all laid before me, and I felt very great "embarrassment undoubtedly. . . . . I felt that the charge against Mr. Wilde "was not one upon which I could dismiss him without pronouncing a very "severe sentence. I was painfully struck with the great inconsistency of "having directed him to be served with a notice to show cause why he should "not be dismissed, and then permitting him to resign on a pension. The "inconsistency was obvious, but at the same time, unless I determined to "dismiss him, I had no alternative but to allow him to remain in that depart-"ment. I thought him a bad public officer, and I thought that it would be a "gain to the public if he was permitted to resign; and, therefore, having only "those two alternatives, either to permit him to remain or to allow him to "resign, I certainly decided upon allowing him to resign, and I accordingly "signed the order for granting him a pension."

27. As a matter of policy, it may have been right to allow Mr. Wilde to retire on a pension, but care ought at least to have been taken to ascertain beyond doubt that there was ground for granting a pension under the provisions of the statute. This was not done; and your Committee think it their duty to express their opinion that the pension was granted hastily and without due examination.

28. Such haste and want of caution necessarily give rise to suspicion that a vacancy in the office is the object sought rather than justice to the officer or the

the public. In this instance, however, your Committee consider that no improper motives are to be imputed to the Lord Chancellor.

29. Your Committee now proceed to consider the third portion of their inquiry, namely, the circumstances under which Mr. Welch was appointed to the office of registrar at Leeds.

30. Mr. Welch, who was a practising barrister of many years' standing on the Northern Circuit, made applications to the Lord Chancellor for a legal appointment in 1862 and 1863. It appears that his name had been mentioned to the Lord Chancellor in 1863 by the Lord Chancellor's eldest son, the Honourable Richard Augustus Bethell, as a friend whom Mr. Bethell wished to be remembered. In 1864, on the 16th of April, he wrote to the Lord Chancellor, pressing his former requests, and about the middle of May in that year sent to the Lord Chancellor several letters of recommendation from the late Sir William Atherton, and other leading counsel of the Northern Circuit. Ev. 3312. 2358–60. 408. 415.

31. There was no vacancy at that time; but on the resignation of Mr. Wilde on the 30th of June 1864, the Lord Chancellor on the same day appointed Mr. Welch to the registrarship thus vacated. The Lord Chancellor states that he was desirous of appointing a barrister of the Northern Circuit to the post at Leeds, and was informed by Mr. Miller that it ought to be filled up without delay; and that he appointed Mr. Welch from his own recollection of Mr. Welch's application and testimonials without further solicitation from any one. Ev. 416. Ev. 3312.

32. Some slight representation has been made to your Committee that Mr. Welch was in bad health at the time of his appointment. The fact, if it were so, was not known to the Lord Chancellor or Mr. Miller. Your Committee do not think that the evidence on this point requires further notice.

33. Your Committee are satisfied that no imputation can fairly be made against the Lord Chancellor with regard to this appointment.

34. But your Committee call attention to some remarkable evidence touching this part of their inquiry.

35. Mr. Bethell had for some years been acquainted with Mr. Welch, and in April 1864 had some negotiation with him as to raising a sum of 6,000 *l.* While this was pending Mr. Bethell was in immediate want of 500 *l.* The Rev. George Rogers Harding, vicar of St. Ann's, Wandsworth, a friend of Mr. Bethell, states in his evidence before your Committee, that at the end of April or the beginning of May 1864, he was at Mr. Bethell's office in Quality-court, and took a letter of introduction from Mr. Bethell to Mr. Welch, who was then in chambers at the Temple; that an arrangement had been previously made that Mr. Bethell should use his influence to procure an appointment from his father in favour of Mr. Welch; that Mr. Welch should pay 500 *l.* down, and on obtaining an appointment should pay 1,000 *l.* more; that he, Mr. Harding, mentioned this arrangement to Mr. Welch, who acquiesced in it; that the understanding was clear; the 500 *l.* was to be paid to Mr. Bethell on the security of his bill at short date, which was to be destroyed or returned if Mr. Welch obtained an appointment, and that he, Mr. Harding, was to receive one-third of the further 1,000 *l.* when paid. Mr. Harding further states that he met Mr. Welch accidentally after Mr. Bethell had left the country in consequence of his debts; that Mr. Welch then expressed his fear that he had lost his money; that he saw Mr. Welch again after he had obtained the appointment at Leeds, when Mr. Welch said he would carry out the arrangement honourably. 1304. 1130 *et seq.* 2220 *et seq.* 2210. 1171. 2261.

36. Mr. Harding afterwards applied by letter to Mr. Welch for 333 *l.* 6 *s.* 8 *d.* being one-third of the 1,000 *l.*; Mr. Welch took no notice of the letter; Mr. Harding then sent a friend, and afterwards employed his solicitor, Mr. Coyte, to write; but ultimately gave up the claim on being informed by his solicitor that he could not enforce it. 1186. 1209–13. 2143. 2066. 2145.

1349 *et seq.* 2370 *et seq.*

37. On the other hand, Mr. Bethell and Mr. Welch agree in representing that there was no arrangement whatever beyond a loan for 500 *l.* secured by a bill for the same amount, and that Mr. Harding was a mere messenger conveying the bill to Mr. Welch, and returning with the cheque.

1924.

38. The date of the cheque is the 6th of May 1864.

1952. 2356.

39. The application to Mr. Welch for the loan must have been several days before the 6th of May. Mr. Welch borrowed the sum of 500 *l.* from his tenant, Mr. Rabbitt, under somewhat peculiar circumstances, to enable him to lend the sum to Mr. Bethell.

1314. 1315. 1326. 1327. 1341. 1468. 2364.

40. Mr. Welch admits that he lent the money with the hope that Mr. Bethell would exercise influence with the Lord Chancellor in obtaining an appointment for him. He further states that he was in the habit of lending money to persons possessing influence in order to obtain their assistance. Mr. Bethell says that he may have told Welch that if he saw there was any reasonable chance of succeeding, he would mention his name to the Lord Chancellor; but beyond that made no direct promise.

1371 *et seq.* Ev. 1676–80. 1684. 1738. 3594. 2400–2519. 2580–1.

41. The bill, when it became due, was sent by Mr. Welch to his solicitors, who sent it to their bankers for collection; the bill was not paid, was noted, and then returned to Mr. Welch. Mr. Welch contradicts himself more than once in his evidence on the question whether he destroyed the bill or returned it to Mr. Bethell. Mr. Bethell states that it was returned to him in December 1864, in order that Mr. Welch's name might not be sent to the Lord Chancellor as one of his creditors.

1929. 1365-8. 1939. 1942. 2514. Ev. 1967. 1978. 2311 *et seq.* 1960 *et seq.*

42. On the 10th of September 1864, after Mr. Bethell had become hopelessly insolvent, Mr. Welch lent him 200 *l.*, in addition to the 500 *l.*, without any security. On the 7th of February 1865, he lent him 50 *l.* more; and about the 20th of the same month lent a further sum of 300 *l.* having obtained leave from his bankers to overdraw his account after a certain day, for which reason he postdated the cheque by seven days; but in the previous November Mr. Welch had refused to accept a bill for 300 *l.*, drawn upon him by Mr. Bethell in Paris, and sent through the Yorkshire Banking Company.

1897. 2546.

43. Mr. Welch states that interest was reserved on all these loans at 5 per cent. Mr. Bethell denies this; and on the 30th of April 1865, wrote to Mr. Welch a letter acknowledging his debt of 1,050 *l.*, the amount of the loans, without any reference to interest. A copy of this letter is in the Appendix.

2614. 2387. 2138.

44. Mr. Bethell says that Mr. Harding's statement is a pure invention; he also says, "Mr. Harding sought me out, and threatened that unless I gave him "money, or induced Mr. Welch to give him money, he would come down here "and ruin us both." Mr. Harding, on the other hand, says that he used no threats to Mr. Bethell, but that Mr. Bethell said, "If you appear and give "evidence, I will shoot you."

45. Your Committee have given the more prominent facts or statements bearing on this matter. For minute details they refer to the evidence of the parties concerned. The statement of Mr. Harding is irreconcilable with that of Mr. Bethell and Mr. Welch. Mr. Harding's statement, if true, discloses a corrupt bargain between the three parties: if false, it is a gross attempt at extortion. One or other of these conclusions would be established by a judicial investigation of the facts of the case; but as each of them involves the liability to a charge of a highly penal character, Your Committee, not having the opportunity of examining witnesses upon oath, or of bringing the persons inculpated to a formal trial, purposely abstain from expressing any opinion as to which of the two views above mentioned ought to be adopted. They consider it their duty to observe, that the indisputable facts are such as to render it essential to the public interest that the case should, as soon as possible, be made the subject of legal investigation.

46. The

46. The fourth and last head of the inquiry is, whether Mr. Welch was to resign his appointment at Leeds in favour of Mr. Bethell, and receive another appointment in London.

47. In the month of May 1864, the Lord Chancellor, on being informed that his son was deeply indebted, compelled him to resign his office of registrar in the Court of Bankruptcy. Mr. Bethell shortly afterwards went abroad with his family, and remained abroad during the summer and autumn. Towards the close of the year he returned to England, having formed a plan for making some arrangement with his creditors, and hoping to be reconciled to his father. Applications were made to the Lord Chancellor to induce him to relent in favour of his son, and give him some appointment. The Lord Chancellor was asked to appoint him to the office of clerk at the Table of the House of Lords, which he peremptorily refused to do. He was asked by Mr. Miller to give his son the appointment of Registrar in Bankruptcy in London vacated by Mr. Slingsby Bethell, and Mr. Miller, in the hope that his request would be granted, but without any authority from the Lord Chancellor, prepared an order appointing Mr. Bethell to that office. The Lord Chancellor refused to make the appointment; but upon a suggestion being made either by Mr. Skirrow (an intimate friend of the Lord Chancellor, and a trustee of Mr. Bethell's marriage settlement) or by Mrs. Bethell herself, that Mr. Bethell might be appointed to an office in the country, the Lord Chancellor appears, on the 22d of February 1865, at an interview with Mr. Skirrow, to have held out some expectation that he would consider the matter if Mr. Bethell could obtain a release from all his creditors; up to that day he had peremptorily refused to entertain the subject. Mr. Skirrow's view was in favour of an office at Bristol, as being in the neighbourhood of Mrs. Bethell's relations. Later in the same day, Mr. Bethell called on Mr. Skirrow, at Staple's Inn, and probably then understood from him that there was some probability of his receiving an appointment in the country; Mr. Welch was then introduced to Mr. Skirrow by Mr. Bethell, and some remarks passed which show that Mr. Bethell expected to obtain the office at Leeds, and Mr. Welch hoped to be transferred to London. Mr. Bethell went to Leeds on the following day; saw Mr. Welch at his office on the 24th; and it is clear that it was generally understood in the Bankruptcy Court at Leeds that Mr. Bethell was shortly to be appointed registrar there, and that Mr. Welch was to be transferred elsewhere.

Ev. 3375. 469. 474. 2714 to 2723. Ev. Cariss and North.

48. In the meanwhile Mr. Miller had been informed of the plan, and in full expectation that it would be carried into effect prepared two orders of appointment, one of Mr. Welch to the London registrarship, the other of Mr. Bethell to that at Leeds. He says that Mr. Skirrow gave him the information upon which he relied; but this Mr. Skirrow positively denies. Mr. Miller further states that he prepared the order before mentioned appointing Mr. Bethell to the London registrarship, and the two orders last-mentioned, without the knowledge of the Lord Chancellor, and that they were the only appointments ever prepared by him without the Lord Chancellor's sanction. The Lord Chancellor also states that he did not hear of these orders being prepared before this inquiry took place.

Ev. 450–454. 457. 2732–9. 2743. Ev. Miller, 450. 453. 683. 689. 3386 *et seq.*

49. On Sunday the 26th, the Lord Chancellor, from some information which he had received as to his son's conduct at Paris, determined not to appoint his son to any office; he sent for Mr. Skirrow, and declared his decision.

Ev. 2724. 3375.

50. On Monday the 27th, Mr. Miller was about to present the two appointments to the Lord Chancellor for signature. Mr. Skirrow saw him, and advised him not to do so, mentioning what had occurred on the previous day. Mr. Miller did not show the appointments, but mentioned the subject to the Lord Chancellor, who said that he would make no appointment.

Ev. 2732. Ev. Miller, 450. 3032. Lord Chancellor, 3392.

51. It appears to Your Committee that Mr. Skirrow acted simply as a friend of the Lord Chancellor's family. No improper motive has been suggested for the part which Mr. Miller took, although his conduct in preparing the appointments without the sanction or even knowledge of the Lord Chancellor was highly

highly reprehensible. Mr. Bethell and Mr. Welch were undoubtedly desirous of promoting the arrangement for their own interests; but the Lord Chancellor appears to have had no knowledge of the plan, beyond the suggestion made to him by Mr. Skirrow and Mrs. Bethell, and no knowledge whatever of what had been done in expectation of its completion until some time after he had finally refused to make any appointment in favour of his son.

52. Your Committee, in performance of the duty entrusted to them, went fully into all the circumstances which seemed to bear on any portion of the subject-matter; in their Report, however, they have confined their observations to those points which they consider most material. They must be allowed to observe, in conclusion, that while the facts which they believe to be established by the evidence acquit the Lord Chancellor from all charge except that of haste and want of caution in granting a pension to Mr. Wilde; and although some of the questions asked in your Honourable House, which led to the appointment of this Committee, were founded on information which was not thoroughly accurate, yet the general impression created by the sudden retirement of Mr. Wilde, and the pecuniary transactions which took place between Mr. Bethell and Mr. Welch, coupled with the representations made by Mr. Bethell on his visit to Leeds, were calculated to excite the gravest suspicions; and your Committee are of opinion that the inquiry which they have conducted was, for this reason, highly desirable for the public interests.

22 June 1865.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 2° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Edward C. Egerton.	Mr. Howes.
Mr. Evans.	Colonel Douglas Pennant.

The Lord Advocate.
Mr. Bovill.

Order of The House of this day read as follows:—"Leeds Bankruptcy Court Committee—Leave given to the Select Committee to sit this day for the election of a Chairman, and to settle the course of proceeding, with four Members only."

Mr. HOWES was called to the Chair.

The Committee deliberated.

[Adjourned to Thursday next, at Eleven o'clock.

Jovis, 8° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. HOWES, in the Chair.

Mr. Edward Egerton.	Colonel Douglas Pennant.
Mr. Evans.	Mr. Hussey Vivian.

The Lord Advocate.
Mr. Bovill.

Mr. *John Fisher Miller* examined.

The Committee deliberated.

Mr. *John F. Miller* further examined.

[Adjourned to To-morrow, at Twelve o'clock.

Veneris, 9° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. HOWES, in the Chair.

Mr. Edward Egerton.	Colonel Douglas Pennant.
Mr. Evans.	Mr. Hussey Vivian.

The Lord Advocate.
Mr. Bovill.

Mr. *John F. Miller* further examined.

Mr. *Henry J. Wilde* examined.

Mr. *Bovill* proposed to put in a letter, dated 29th July 1864, signed M. J. West, addressed to Mr. Wilde.

The *Lord Advocate* objected to the reception of the letter.

The Committee decided that the letter should not be put in.

Mr. *Henry S. Wilde* further examined.

The Committee deliberated.

Mr. *Edward Bond* examined.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 10° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Howes, in the Chair.

Mr. Edward Egerton.	Colonel Douglas Pennant.
Mr. Evans.	Mr. Hussey Vivian.

The Lord Advocate.
Mr. Bovill.

Reverend *G. R. Harding* examined.

Room cleared.—The Committee deliberated.

Reverend *G. R. Harding* further examined.

Mr. *Patrick Robert Welch* examined.

[Adjourned to Monday next, at Half-past Eleven o'clock.

Lunæ, 12° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Howes, in the Chair.

Mr. Edward Egerton.	Colonel Douglas Pennant.
Mr. Evans.	Mr. Vivian.

The Lord Advocate.
Mr. Bovill.

Mr. *Patrick Robert Welch* and Reverend *George Robert Harding*, severally further examined.

Mr. *Benjamin Cariss*, Mr. *Henry Fuller*, Mr. *John North*, and Mr. *Richard Bethell*, severally examined.

[Adjourned to To-morrow, at Half-past Eleven o'clock.

Martis, 13° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. HOWES, in the Chair.

Mr. Edward Egerton.	Colonel Douglas Pennant.
Mr. Evans.	Mr. Vivian.

The Lord Advocate.
Mr. Bovill.

Mr. *Dourassoff Morley* examined.

The Committee deliberated.

Mr. *Charles Fletcher Shirrow* examined.

Mr. *John Fisher Miller* further examined.

Mr. *George Carew*, Mr. *John Fisher Miller*, and Mr. *Francis Charles New*, severally examined.

[Adjourned to To-morrow, at Two o'clock.

Mercurii, 14° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. HOWES, in the Chair.

Mr. Edward Egerton.	Colonel Douglas Pennant.
Mr. Evans.	Mr. Vivian.

The Lord Advocate.
Mr. Bovill.

Mr. *Charles Wilde*, and Mr. *Henry Philip Roche*, severally examined.

Mr. *Henry S. Wilde*, further examined.

The Committee deliberated.

The Lord High Chancellor (attending by permission of the House of Lords), examined.

Mr. *Henry S. Wilde* further examined.

[Adjourned to To-morrow, at Twelve o'clock.

Jovis, 15° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. HOWES, in the Chair.

Mr. Edward Egerton.	Colonel Douglas Pennant.
Mr. Evans.	Mr. Vivian.

The Lord Advocate.

Mr. *James Poingdestre*, messenger of the House, examined as to the non-appearance of the Rev. Josiah Bartlett, a witness summoned to attend the Committee; the messenger was directed to make further endeavours to obtain his attendance.

Ordered to Report the circumstances to the House.

Mr. *James F. Miller*, Mr. *Duncan Stewart*, and Mr. *Patrick Robert Welch*, severally examined.

[Adjourned to To-morrow at half-past Three o'clock.

Veneris, 16° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. HOWES, in the Chair.

Mr. Evans.
Mr. Edward Egerton.
Colonel Pennant.
Mr. Vivian.

The Lord Advocate.
Mr. Bovill.

Mr. *Augustus Abraham* examined.

The Committee deliberated.

Mr. *James Poingdestre* further examined as to non-appearance of Rev. Josiah Bartlett.

The Committee deliberated.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 22° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. HOWES, in the Chair.

Mr. Edward Egerton.
Mr. Evans.
Colonel Douglas Pennant.
Mr. Vivian.

The Committee deliberated.

Draft Report proposed by the Chairman, read 1°, 2°, amended and agreed to.

Ordered to Report, together with the Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Benjamin Cariss -	Solicitor - -	Leeds - - -	Seven -	3 11 –	14 14 –	18 5 –
Henry Fuller - -	Managing Clerk to Solicitor.	Leeds - - -	Seven -	3 11 –	7 7 –	10 18 –
John North - -	Solicitor - -	Leeds - - -	Seven -	3 11 –	14 14 –	18 5 –
Dourassoff Morley -	Managing Clerk to Solicitor.	Leeds - - -	Seven -	3 11 –	7 7 –	10 18 –
Edward Bond - -	Solicitor - - -	Leeds - - -	Four -	3 11 –	8 8 –	11 19 –
Rev. George Rogers Harding.	Clerk - - -	Wandsworth - -	Five -	– 10 –	5 5 –	5 15 –
Henry Sedgewick Wilde	Barrister-at Law -	Rickmansworth - -	Nine -	– 18 6	28 7 –	29 5 6
			TOTAL - - - £.			105 5 6

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Jovis, 8° *die Junii*, 1865.

MEMBERS PRESENT.

Mr. Edward Egerton.
Mr. Evans.
Mr. Howes.
Colonel Douglas Pennant.
Mr. Vivian.

The Lord Advocate.
Mr. Bovill.

EDWARD HOWES, Esq., in the Chair.

John Fisher Miller, Esq., called in; and Examined.

J. F. Miller, Esq.
8 June 1865.

1. Mr. *Bovill.*] ARE you Chief Registrar of the Court of Bankruptcy?—I am.

2. Did you prepare the Parliamentary Return, No. 295, of this Session, respecting the Leeds Bankruptcy Court?—I did.

3. Is that Return correct?—That Return is correct.

4. Then that Return will be considered as having been formally handed in to the Committee; it has already been made to the House?—Yes.

5. Will you be kind enough to take that Return in your hand, and tell me whether the matter stated in your letter of the 6th of April 1864, page 1, was the first matter of complaint against Mr. Wilde?—There had been a complaint against Mr. Wilde during Lord Campbell's Chancellorship.

6. That had been explained, had it not?—He had been reproved; he had been censured for his conduct; it was in regard to taking some fees improperly.

7. Fees which had been received, which were not included in his salary?—Fees which had been received improperly.

8. That is to say, beyond his salary?—Yes; beyond his salary.

9. Upon that occasion there was a censure by Lord Campbell, and nothing more?—Nothing more.

10. How many years before had that been?—That was in 1859. I have here the letter which Mr. Whitehead wrote to him.

11. The first complaint connected with this matter was that which is stated in your letter of the 6th April 1864, was it not?—That is the first complaint.

12. And that was a complaint of having certified that Mr. Commissioner Ayrton had approved a certain paper?—Just so.

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13. That matter was referred to Mr. Wilde by the letter of the 6th of April, and he replied to it by the letter of the 9th of April?—Yes.

14. You then sent to him the letter of the 11th April 1864, which is printed here?—Yes.

15. And then he sent a further explanation, which also appears in these papers?—Just so.

16. The substance of it, to state it shortly, would seem to be this, that Mr. Commissioner Ayrton had allowed the office expenses, as set forth at page 2?—No; not office expenses.

17. Salaries and other expenses of the office?—Yes.

18. It says "Salaries and other expenses of the office of Theophilus Carrick, "official assignee at Leeds"?—Yes.

19. And then there is the signature of Mr. Carrick, the official assignee, and then follow these words, "I hereby allow the above amount." That being signed by Mr. Ayrton. That is set forth at page 2?—That is so.

20. And that Mr. Wilde put forward as his reason for having signed the certificate?—Yes.

21. Then he put his construction upon what he had certified, and Mr. Ayrton put another construction upon what Mr. Wilde was said to have certified; that is how the matter stands as regards the first complaint, is not it?—The accounts contained a great deal more than appears in Mr. Carrick's paper here; the accounts contained postages and stationery, and petty expenses, I think, which are not at all in this paper signed by Mr. Ayrton.

22. Would you be kind enough to produce the paper with the approval of Mr. Ayrton upon it?—That I never had.

23. I presume it is correctly copied here?—I have no doubt it is.

24. Have you got the paper which is signed by Mr. Wilde, with these words, "submitted to, and approved by Mr. Commissioner Ayrton, on the 8th of April "1862"?—I have not got it here; I have it in my office.

25. Mr. *Vivian.*] On referring to Mr. Wilde's letter of the 9th of April, you will find this passage, "Except the charge for petty disbursements, which are now "under the new bill audited by me;" that would seem to show that the portion not certified by Mr. Commissioner Ayrton, ought, in fact, to have been certified by Mr. Wilde?—I think it ought not.

26. The remainder of the accounts contained in the bundle of papers had been properly audited and certified by Mr. Wilde, as Mr. Wilde states in his letter of the 9th of April, had they not?—I think not; I think they ought to have been placed before the Commissioner also.

27. He states that under the new Bill they ought to have been audited by himself?—There I think he is wrong.

28. Mr. *Bovill.*] I think the next matter was a complaint as to Mr. Wilde having borrowed 131 *l.* of an official assignee, and 25 *l.* of Mr. Needell, one of the messengers?—Yes.

29. That matter was explained by Mr. Wilde as having taken place sometime, in fact many years, before these two matters; and we find that in the statement of the Attorney-General, he said that "the Lord Chancellor was not "dissatisfied with the explanations of Mr. Wilde as to his borrowing money." I suppose that is correct?—I do not know; I am not prepared to say that. Mr. Wilde gave his explanation of that in his letter to me of the 16th of April.

30. Then I find that in the House of Commons, on Tuesday the 23d of May, the Attorney General stated that "the Lord Chancellor was not dissatisfied "with the explanation of Mr. Wilde as to his borrowing money;" it seemed that he had borrowed 25 *l.* of a messenger, and 131 *l.* of an official assignee?—Had the hearing taken place before the Lord Chancellor, I apprehend that would have been an important ingredient. Had notice been served upon Mr. Wilde to appear and show cause why he should not be dismissed, I apprehend that would have been an important ingredient in the case before the Lord Chancellor, inasmuch as we should have had Mr. Wilde taxing the bills of costs of persons to whom he was under obligation.

31. Of course I only know what the Attorney-General stated, I presume, from the information of the Lord Chancellor; I quote these words from the paper, "The Lord Chancellor was not dissatisfied with the explanations of Mr. Wilde

" as to his borrowing money" ?—The meaning of that I take to be that with regard to the mere borrowing of the money, if that stood alone, there would not have been much fault to be found with him; but when you find a man borrowing money from persons whose accounts he is in the habit of taxing, and thereby coming under obligation to those persons, the matter assumes a different shape.

32. Mr. *Edward Egerton.*] Then you think that the Lord Chancellor was displeased with him for borrowing this money?—Undoubtedly he must have been; hence I was asked to inquire whether it was true.

33. Mr. *Bovill.*] But after the explanations were given by Mr. Wilde's letter of the 16th of April was the Lord Chancellor satisfied?—The Lord Chancellor never made up his mind upon the subject; it remained to be seen whether Mr. Wilde would appear and show cause.

34. I wish to keep to this matter, in order to clear the way; you were aware of what took place at the time, and were in communication, I presume, with the Lord Chancellor?—Yes.

35. Then I ask you whether the Lord Chancellor was satisfied with the explanations of Mr. Wilde as to his borrowing money?—The Lord Chancellor was very much dissatisfied with the fact of the borrowing of the money.

36. Was he satisfied with the explanation?—I cannot say that he was.

37. Or that he was not?—I would rather say that he was not.

38. The words of the report are that "the Lord Chancellor was not dissatisfied "with the explanations of Mr. Wilde as to his borrowing money." It appeared that he had borrowed 131 *l.* from an official assignee, and 25 *l.* from a messenger? —Yes, those were the sums.

39. Mr. *Edward Egerton.*] You state that the Lord Chancellor was dissatisfied because Mr. Wilde was borrowing money of the people whose bills he had to tax?—Precisely.

40. *Chairman.*] Are you aware that the Attorney General in the House of Commons stated that the Lord Chancellor was not dissatisfied?—I saw it in the public papers.

41. It does not agree with your apprehension of the matter?—It does not.

42. Mr. *Edward Egerton.*] Had you conversations with the Lord Chancellor upon this subject at the time when Mr. Wilde was called upon to say whether he had borrowed the money?—Certainly; and the Lord Chancellor thought it very wrong.

43. Mr. *Bovill.*] Then after the explanation came from Mr. Wilde, are you in a position to tell the Committee whether the Lord Chancellor was or was not satisfied?—His Lordship continued to think it very improper.

44. On the 16th of May you wrote again to Mr. Wilde, making three distinct complaints, did you not?—Yes.

45. Two of them were the matters to which I have already called attention, and the third, which is the second in order in the letter, was that he had been in the habit of taxing the bills of the messengers without calling for the production of the vouchers for the sums alleged to have been paid by them; that was a third matter introduced now in this letter for the first time?—Yes; it is No. 2 in the letter. That had come out in the examinations before Mr. Commissioner Ayrton and Mr. Harding.

46. Those were the three subjects of complaint; first, the two matters to which I have called your attention, which were mentioned in the previous letters, and then by the letter of the 16th of May there was a third complaint raised against Mr. Wilde, that he had been in the habit of taxing the bills of the messengers without calling for the production of the vouchers?—Yes; and that letter of the 16th of May shows that the Lord Chancellor continued to be dissatisfied.

47. Now, upon that third matter, did Mr. Wilde send in his explanations which appear in these papers?—Yes; I think you have the explanations before you, printed; certainly he sent in explanations.

48. With respect to the third matter, the explanations are in these papers which were sent in by Mr. Wilde; I think you will find them in page 20?—Yes; his explanations are at page 20, dated the 30th of May.

49. How many years had Mr. Wilde been registrar of that court; I think you will find it is 14?—Mr. Wilde was appointed in 1851.

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50. Then he had been 13 years registrar of the court?—Yes.

51. Was there another registrar of the court at Leeds?—Yes.

52. What was his name?—Mr. Payne.

53. How many years had he been registrar of that court?—I think he had been a registrar from the year 1842.

54. That would be 22 years that he had been registrar of the court?—Yes.

55. As regards this third matter, of taxing the costs, did it appear that Mr. Wilde had adopted precisely the same course as had been adopted by Mr. Payne?—I presume it was so; but I would rather refer the Committee to the report of Mr. Commissioner Ayrton and Mr. Harding upon that subject.

56. Colonel *Pennant.*] Where is that to be found?—It is at page 22; there is a report from Mr. Commissioner Ayrton alone as to the taxation of costs.

57. Mr. *Bovill.*] Your attention having been drawn to this matter, I dare say you can answer the question generally; of course, if there is anything different in the papers they will speak for themselves; did it appear that Mr. Wilde in the taxation of costs had adopted the same course that appeared to have been adopted by Mr. Payne for a great many years?—I cannot say as to that.

58. It will appear in the report?—I find this passage in the report; this is Mr. Ayrton's language: "I find that the solicitor's bills have always been "examined and taxed by both of the registrars, Mr. Payne and Mr. Wilde; but "such taxation has been conducted in a careless and unskilful manner."

59. One registrar, Mr. Payne, had been 22 years in the office?—Yes.

60. Therefore he had been there eight years before Mr. Wilde went?—Yes.

61. My question is this, whether it did not appear that Mr. Wilde had conducted the taxation of those costs in the same way that Mr. Payne had done before him?—I cannot answer that question. I have no means of knowing what Mr. Payne's mode of taxation was, and therefore I cannot say whether Mr. Wilde's taxation was the same as Mr. Payne's.

62. *Lord Advocate.*] The "careless and unskilful manner" appears to apply to both?—Yes.

63. Mr. *Bovill.*] The expression, the "careless and unskilful manner" appears to have been common to both?—I think so; you will find an admission by Mr. Payne of this sort. The question was put to him whether he asked for the production of vouchers, and he said he never did.

64. It appeared that they had relied upon the respectability and the statements of the messengers?—I think that appears from Mr. Payne's examination; he says in so many words that he did so.

65. And with respect to some of the matters that were allowed, and which it was stated ought not to have been allowed, it was suggested and contended, both by Mr. Payne and Mr. Wilde, that it was in accordance with the authority of one of the registrars in London?—So they stated.

66. And you have no doubt that they *bonâ fide* stated that, have you?—That I cannot say. I would rather refer you to Mr. Commissioner Ayrton upon that subject.

67. Was there not a letter of Mr. Lucas, the taxing master in London, which has been acted upon commonly, not only in this district, but also in others; the practice so settled being that which Mr. Lucas, the taxing master in London, had sanctioned?—Yes.

68. We are not now upon the question whether Mr. Lucas was right or not, but at all events there was that letter of Mr. Lucas, and the model bill, which appear at page 25 of these papers, with respect to the allowance of some of the charges that were afterwards found to be objectionable?—They appear to have gone upon that letter.

69. Mr. Commissioner Ayrton and Mr. Harding made reports upon these subjects to the Lord Chancellor, did they not?—They did.

70. Those reports are set forth in these papers?—Yes; and Mr. Commissioner Ayrton singly reported as to the taxation.

71. And then a copy of the reports was sent to Mr. Wilde, on the 16th of May, and received by him on the 18th of May, as it appears also from the papers?—Yes.

72. Then

72. Then on the 24th of May you called upon him for explanations within a week?—Yes.

73. That is at page 19?—Yes.

74. "I am directed by the Lord Chancellor to request that you will, within "one week from this day" (that is the 24th of May), "put Mr. Commissioner "Ayrton in possession of the explanation called for by my letter of the 16th "instant, otherwise you will be served withn otice to appear and show cause in "open court, why you should not be dismissed from your office of registrar"?—Yes.

75. That, I presume, was stated by direction of the Lord Chancellor?—By direction of the Lord Chancellor.

76. Then on the 31st of May, Mr. Wilde sent up his statement, dated the 30th of May, which is set forth at pages 20 and 21?—Just so.

77. That, I presume, was laid before the Lord Chancellor?—It was.

78. Can you tell me on what day that explanation of Mr. Wilde's was submitted to his Lordship?—I have no doubt it was submitted to him immediately after I received it—within a day or two after I received it.

79. That would be in the early part of June?—Early in June.

80. Would you say the first week, or something of that sort?—I must have received it on the 1st of June, and I have no doubt that, within a week, I submitted it to the Lord Chancellor.

81. Do you keep any diary of the receipt of papers of importance of this kind, or is there any entry that you make?—I merely keep a letter-book.

82. Have you got the letter-book here?—Yes (*producing a book*).

83. You do keep a letter-book?—But the letter-book would not show the day I received it.

84. You keep a letter-book, and there is no other book, either a diary or anything else, in which an entry of such a letter would be made?—Mr. Wilde's letter, transmitting the statement to me, is dated the 31st of May, consequently I should receive it on the 1st of June.

85. The statement was enclosed in that letter to you?—Yes; I must have received it on the 1st of June, and within a week I must have submitted it to the Lord Chancellor.

86. Mr. *Edward Egerton.*] It is your business to receive all the papers of this character?—Yes.

87. Mr. *Bovill.*] And it is your duty to submit them to the Lord Chancellor, and take his directions upon the subject, is it not?—Yes, it is.

88. The *Lord Advocate.*] Will you look at page 23; you will see there that Mr. Commissioner Ayrton's report upon Mr. Wilde's explanations is dated the 3d of June?—Mr. Commissioner Ayrton's report is dated the 3d of June; it is not a report on Mr. Wilde's explanations; I received that report on the 4th of June.

89. Did not Mr. Wilde's explanations accompany that report of Mr. Commissioner Ayrton's?—The statement of Mr. Wilde, transmitted to me on the 31st of May, must have been a statement in answer to the letter containing the charges of the 16th of May.

90. Mr. *Edward Egerton.*] And then he was allowed a week to answer those charges?—Precisely so.

91. Colonel *Pennant.*] That is what the letter of the 24th of May says?—Yes.

92. Mr. *Bovill.*] I have passed over this point, but it comes in order now. On the 3d of June 1864, did Mr. Commissioner Ayrton make a further report to the Lord Chancellor, which is set forth at pages 22 and 23?—Yes; his report is dated the 3d of June.

93. When was it sent to you, or the Lord Chancellor?—I received it on the 4th of June.

94. What did you do with it?—I sent it to the Lord Chancellor, together with the other papers.

95. Did you ever send any copy of that report at all to Mr. Wilde?—Certainly.

96. On what day?—On the 9th of June; the letter is printed at the top of page 22. "I send you copies of the report and examinations as to the taxation "of bills of costs in the Leeds Court."

97. Did you see Mr. Wilde at all before you wrote the letter of the 26th of July 1864, which is set out at page 26?—I am not quite sure; I think I did.

98. Nor wrote to him?—I have a faint recollection of his calling about that time, but I cannot say positively whether I saw him.

 99. Will

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99. Will you look at your letter-book, and see whether you wrote to him at all?—I certainly wrote to him on the 9th of June.

100. Have you got your letter-book there to see whether you are quite right about that?—I have my letter-book here.

101. What I am desirous of knowing is, whether you sent the report and examinations as to the taxation off on the 9th of June?—Yes.

102. The next letter in the papers is dated the 26th of July?—Yes: but I find that I wrote to Mr. Wilde about other matters; I find that from my letter-book.

103. But it had no relation to these matters?—Nothing whatever.

104. Then there was no letter and no communication, that you remember, between yourself and Mr. Wilde between the letter of the 9th of June, which is set out at the top of page 22, and the letter of the 26th of July, which is set out at page 26?—That is so; none relative to these matters. I find several letters upon other subjects not at all connected with this.

105. Have you looked through them so as to be sure of that?—I have.

106. Now will you look at the letter at page 26 of the date of the 26th of July?—I have it.

107. By whose directions did you write that letter?—The first part of it is strictly in accordance with the directions I received from the Lord Chancellor; my instructions were to intimate to Mr. Wilde that if he did not retire he would be served with notice to appear and show cause why he should not be dismissed; the second part of that letter I had no instructions for; it was written without any instruction; I did it as a mere matter of kindness to Mr. Wilde.

108. Mr. *Edward Egerton.*] That is the paragraph about his state of health?—Yes, after having communicated what I had been desired to communicate, I went on to add that, out of kindness to him.

109. Mr. *Bovill.*] How did you know about his state of health?—I had heard it; some one had told me.

110. Was it he himself?—I believe he himself had told me of it, and I had heard it from others; but most assuredly the Lord Chancellor gave me no directions on that point.

111. Mr. *Vivian.*] Had anything passed between you and the Lord Chancellor with reference to Mr. Wilde's retiring?—Simply that he gave me instructions to intimate to him that he must retire, or he would be served with notice to appear and show cause why he should not be dismissed.

112. Mr. *Edward Egerton.*] Is it the usual practice in the case of defalcations that a man is called upon to retire?—I am sorry to say there have been several cases of the kind.

113. Is not he called upon to give an explanation?—Mr. Wilde had been called upon to do so; but these were not satisfactory, and the Lord Chancellor felt it to be due to him that he should have a further opportunity of giving an explanation in open court. The Lord Chancellor wished to hear what he had to say.

114. Colonel *Pennant.*] I understood the question that was put to you just now to have reference to the second paragraph in the letter; had you any communication with the Lord Chancellor as to Mr. Wilde's health being a reason for his retiring?— None.

115. Mr. *Bovill.*] The first part of the letter was strictly in accordance with the instructions you received from the Lord Chancellor?—It was.

116. Did the Lord Chancellor desire you to require an answer in course of post in a serious matter of this sort?—He did.

117. His instructions were to require an answer in course of post?—Precisely so.

118. That means I suppose by return of post?—Yes.

119. So that the matter had rested from the 9th of June until the 26th of July, and then you were instructed to write to Mr. Wilde and require an answer by return of post?—Yes. "Unless I hear in course of post that you mean to "apply to be allowed to retire, I have instructions from the Lord Chancellor to "serve you with notice to appear." If I had not heard from Mr. Wilde that he intended to retire, I should have given that notice.

120. The whole of that which I have called your attention to, both the passage requiring an answer by return of post, and the passage with respect to the application to retire, was written by the directions of the Lord Chancellor?—The whole of the first paragraph of that letter.

121. How

121. How lately before the 26th of July 1864 had you seen Mr. Wilde?—That I cannot say. I think I have only seen Mr. Wilde twice; I never saw him but twice, I believe.

122. Had you seen him for several months before the 26th of July 1864?—No, I think not.

123. Or years?—I never saw Mr. Wilde but two or three times in my life; and those two or three times were much about this period.

124. It is very material to know whether you have seen him within weeks, or months, or years, before the 26th of July?—I will endeavour to fix it. I saw him about three times, I know.

125. Mr. *Edward Egerton.*] I think you stated that you ascertained from Mr. Wilde himself about his state of health?—My impression is that I did.

126. Mr. *Bovill.*] Have you any recollection of that?—I have, and I also had heard it from others.

127. Do you remember whether you had had any conversation with him about his health in the year 1864, before the 26th of July?—Certainly in that year.

128. You had?—Certainly.

129. I only want to know whether you had any recollection of it?—I have a recollection that he did tell me about his state of health.

130. Mr. *Edward Egerton.*] You say you had no instructions to write this last paragraph in the letter?—None whatever.

131. That makes it the more necessary that you should have had some information about his state of health, as you volunteered to write this paragraph?—I did this as a mere act of kindness.

132. Mr. *Bovill.*] Is it usual for you to add such a clause as that without any sanction from the Lord Chancellor, because it is an invitation to Mr. Wilde to apply for a pension?—I am happy to say this is not a usual sort of affair.

133. Having instructions to write the first part of this letter, did you consider yourself justified, upon your own authority, in adding the latter part of it?—I felt that a public hearing before the Lord Chancellor would create a good deal of scandal; I thought it was very desirable that Mr. Wilde should retire; that for his sake it was desirable to avoid the scandal; I also felt that a hearing of this nature would be a very painful thing for the Lord Chancellor. These circumstances prompted me to write as I did.

134. Can you recollect at all how lately you had seen Mr. Wilde before the 26th of July?—I cannot recollect the day.

135. Or what he told you, or what passed as to the state of his health?—I cannot remember the day; I know I saw him shortly before the 26th of July.

136 Cannot you tell me whether it was weeks, months, or years, before the 26th of July?—It might have been two or three weeks; I do not think it was much more.

137. Are you sure it was within two or three weeks before the 26th of July?—I am not sure of that; I am only sure that it was before the 26th of July.

138. Are you sure you saw him at all between the 9th of June and the 26th of July?—Certainly.

139. You are quite certain that you saw him between the 9th of June, when you sent the first report, and the 26th of July?—I have a distinct recollection that he called upon me shortly before the 26th of July.

140. Now, be kind enough to tell the Committee, as you have a distinct recollection of that, what passed between you and Mr. Wilde?—That I cannot do.

141. Can you tell me any statement that he made at all with reference to his health; can you say that he made any statement about his health at that time?—Yes; he told me he had been very unwell, and his sight had been seriously affected.

142. That you remember distinctly?—Yes, I do.

143. That took place before the 26th of July?—Yes.

144. Let me call your attention to this expression in your letter to the gentleman who told you that, "It is said that your state of health is such," and so on. How do you account for the expression, "it is said"?—I had heard it from others.

145. How came you, in writing to the gentleman who told you that his state of health, or his eye-sight was seriously affected, not to say, "as your health is

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"so bad as you state"?—This appears as if I had gone more upon what I had been told by others than upon what I had heard from himself.

146. You have stated that you had been told it distinctly by himself; how came you then not to refer to information given to yourself by him, but to what was told you by others?—What passed between Mr. Wilde and me upon the subject of his health was merely a few words.

147. It was a matter which you treated as of no importance?—I did not treat it as of no importance; I was very sorry to hear it.

148. Did it lead you to suppose that his health was such as that it would necessitate his retirement?—At the time he mentioned it to me, I had not thought of his retiring.

149. It was not, at all events, anything so serious as to induce you to suppose that he would be obliged to retire?—When I saw Mr. Wilde, I had received no instructions from the Lord Chancellor about his retiring.

150. If you could tell the Committee what he stated we should be able to judge whether his statement was a matter of any serious consequence or not?—I cannot tell you exactly what passed; I remember he did tell me that his sight had been affected.

151. Can you state anything more that passed?—No; I believe that was about all; that he had been very unwell, and his sight had been seriously affected.

152. Can you tell me whether what he did state was of such a nature as to induce you to suppose that he would be obliged to retire on account of ill health?—I had not at that time thought of it.

153. The statement Mr. Wilde made to you was not so serious as to lead you to the impression that he would have to resign?—No.

154. You say you had been told by somebody else that his state of health was bad?—Yes.

155. Did you mention that to the Lord Chancellor?—No, I did not.

155.* Why did you not?—I had no reason to do so; when I had received instructions from the Lord Chancellor, I complied with those instructions, and then I unfortunately added this last paragraph myself.

156. It would have been much better to have mentioned that immediately to the Lord Chancellor, would it not?—Possibly it would.

157. But you did not mention it?—I did not.

158. You took upon yourself, without any authority, to add this last paragraph to the letter?—I did so as a mere act of kindness.

159. Can you give the Committee any further explanation of this extraordinary expression, "It is said that your state of health"?—Simply that I had heard it from others.

160. And you had heard it from himself?—Yes.

161. And this was the form of expression you adopted, having heard it from himself?—Yes.

162. You have no further explanation to offer on this point?—I have not.

163. Mr. *Vivian.*] You stated that you thought it would be painful to the Lord Chancellor that this public hearing should take place; why should it be painful to the Lord Chancellor that this officer of the court should be examined in open court?—It must be painful to any kind-hearted man to be obliged to go into such an inquiry.

164. Not more painful to the Lord Chancellor than to any other person?—It would be painful to any judge to exercise a jurisdiction of that nature.

165. It would have been a painful case to investigate, you think?—I think so; that was my impression. I also thought that the amount of scandal which all those reports of Mr. Commissioner Ayrton and Mr. Harding, and the charges contained in them would create, would be very disagreeable to Mr. Wilde.

166. Mr. *Bovill.*] I should have thought that the same reason would have induced you to mention at once to the Lord Chancellor that Mr. Wilde's state of health was such that he could have no difficulty in obtaining a pension?—I did not do so.

167. You added this paragraph entirely on your own suggestion?—Entirely.

168. It was on the 26th of July that you wrote that letter, wanting an answer by return of post?—Yes.

169. In "course of post" means that, does not it?—Yes.

170. That

170. That letter was sent off on the 26th of July; what was the next thing that occurred?—Then I seem to have received a letter from Mr. Wilde, dated the 28th of July. "I have been prevented from delivering the certificate, but I "have requested Mr. Hubbard, of 18, Bucklersbury, to forward it to you."

171*. That was the next thing, was it?—That was the next thing. On the 29th of July, Mr. Wilde encloses the petition.

171. We will go by steps; on the 28th of July you received that letter; that was the next thing that occurred, was it?—Yes.

172. Did you receive the certificate or not?—I think I received the petition and certificate together; yes, the certificate was attached to the petition.

173. And you received them together, did you?—Yes, together.

174. Was that the next thing that occurred after the letter of the 28th of July?—It was.

175. And the petition came up with the certificate attached to it?—As to "coming up," I do not know; Mr. Wilde was then in London; he dates, I think, from College Hill, 28th July.

176. I will say, then, came to the office; that is the next thing which occurred; you received the petition with the certificate attached?—Yes.

177. And the affidavit of Mr. Wilde?—Yes.

178. That was the next you knew about the matter?—Yes.

179. Can you tell me on what day you first saw that petition?—I think I must have got it on the day on which the letter is dated; the 29th of July; I think it very likely I did.

180. Was that the first you knew of it or not?—That was the first I knew of it.

181. When you received it with the certificate on the 29th of July?—That was the first I knew of it.

182. Had you seen any draft of it, or anything of that sort before?—No; I think Mr. Wilde's cousin, the Registrar in Lunacy, had called upon me, and it strikes me he told me that Mr. Wilde intended to petition.

183. Mr. *Edward Egerton.*] Do you know Mr. Wilde's age?—I do not.

184. Can you give some approximate idea?—I cannot.

185. Is he under or over 60?—Under 60 I should say, certainly.

186. Is it nearer 50 or 60?—I cannot say more; I have never seen him but three times in my life; I really cannot say what his age is.

187. Mr. *Bovill.*] You state that you think now you had heard before you received that petition from Mr. Charles Wilde, his cousin, that Mr. Henry Wilde did intend to petition?—I think so.

188. Have you any recollection about it?—I have a recollection of Mr. Wilde, the Registrar in Lunacy, calling upon me, and I think he told me that his cousin would petition.

189. You think he told you that his cousin, Mr. Henry Wilde, was going to petition?—Yes.

190. Can you tell us when that was?—I think it was about this time.

191. Can you tell me the time?—I cannot fix the day.

192. Can you tell me how soon it was before you received the petition?—I cannot do that either; it was about that time, that is all I can say; about the time when the petition was presented.

193. Then is that all that had occurred about the petition, namely, that you had heard from his cousin Charles that he intended to petition?—That is all; then I received the petition with the medical certificate and the affidavit.

194. Had you anything to do with the preparation of the petition?—No, I had not; by-the-bye, I may have sent Mr. Wilde a form; it is possible that he may have asked me for a form, and I may have sent him one, but I cannot say as to that.

195. It is possible that he may have asked you for a form, and that you may have sent him one?—Yes.

196. But did you?—I have no recollection that it was so.

197. If you did, would it appear in your letter-book?—No, it would not appear in the letter-book.

198. Do you recollect whether you did or not?—I have no recollection.

199. Mr. *Edward Egerton.*] Are you in the habit of sending those forms of petitions?—People frequently apply for them.

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200. Are you the only person from whom they can get a form of petition; it is a printed form, I suppose?—No, it is not a printed form; the form varies according to circumstances.

201. Is it your habit to supply those petitions?—I frequently do; and always, in the case of an executor of a deceased commissioner, or registrar, or other officer, I should be applied to to supply the form of a petition, in all probability, for the payment of the moiety due to the officer.

202. We have never yet ascertained what your exact duties are?—I am chief registrar.

203. Mr. *Bovill.*] What are your exact duties?—They are very multifarious.

204. Mr. *Edward Egerton.*] So it seems; we should like to know what the principal duties are which you perform as chief registrar?—All the petitions presented to the Court of Bankruptcy are entered in my office, in books kept there for that purpose.

205. Every petition?—Yes, every petition in bankruptcy; all orders made by the Lord Chancellor in matters of bankruptcy, except those made on appeals, are prepared by me.

206. Are you the proper custodian of those documents?—I am.

207. Mr. *Bovill.*] And you communicate directly with the Lord Chancellor upon bankruptcy matters; that is to say, upon matters connected with the officers of the courts, and the business of the Courts of Bankruptcy?—Yes.

208. Let me again call your attention to the first paragraph of the letter of the 26th of July. "It grieves me much to inform you, that unless I hear in course "of post that you mean to apply to be allowed to retire." What is the meaning of that; is it to retire with a pension, or without a pension, or what?—That was the instruction given me by the Lord Chancellor.

209. Those very words were given you by the Lord Chancellor?—Yes.

210. What should you understand by the expression, if any gentleman applies to be allowed to retire; that would be with a pension, I suppose?—It might be with or without a pension.

211. If it had been without a pension the expression would have been "that "you intend to resign," would it not?—For instance, in June, about a month previous to this, another registrar elsewhere had applied to the Lord Chancellor to be allowed to retire on a pension, and the Lord Chancellor said "No; in "this case I insist upon an unconditional resignation of the office."

212. Then the official term, if you intended to insist upon a resignation would be, that you wanted to know whether he intended to resign; that would be without a pension; but if it was to be with a pension the words used would have been "to be allowed to retire"?—It would be for Mr. Wilde to make out the best case he could.

213. This is a question of official language in the Bankruptcy Court, and the expression which you say was the exact expression given you by the Lord Chancellor as that which you were to use was, "Unless I hear in course of post that "you mean to apply to be allowed to retire;" that you would understand, and I suppose everybody would understand, to mean to apply to be allowed to retire upon a pension; you would have said "intend to resign" if you had meant resignation?—I of course concluded, from what he had previously told me, and from what I had heard, that he would apply to be allowed to retire upon a pension.

214. And therefore this expression was adopted; is that so?—Those were the instructions given to me by the Lord Chancellor, and I carried out the instructions I received.

215. Then the same thing must have been in the Lord Chancellor's mind?—I ought to have stopped short at the fourth line in that letter.

216. But, according to this view of it, the second paragraph seems to be intimately connected with the first, because the expression, "unless I hear, in course "of post, that you mean to apply to be allowed to retire," must mean to be allowed to retire on a pension, otherwise the expression would have been, "if you "intend to resign"?—If he applied for the pension he would have to make out his case for the pension.

217. If you intended to say that he should give up his office without a pension, would not the expression have been, "intend to resign"?—I have given you an instance in which the Lord Chancellor insisted upon an unconditional resignation.

218. And if he had intended to insist upon an unconditional resignation in this

this case, would this form of expression have been used?—The language in that case would have been different, no doubt.

219. The language would have been, "whether you mean to resign"?—It left Mr. Wilde open to make out a case for the Lord Chancellor.

220. A case for a pension?—A case for a pension.

221. And it was intended by those expressions, to convey that to Mr. Wilde?—Undoubtedly.

222. Then you say the suggestion of applying for a pension, on the ground of ill health, was your own?—Entirely.

223. Am I to understand that when the suggestion of retiring contained the expression here, which you say is the Lord Chancellor's own expression, requiring him to say whether he meant to apply to be allowed to retire, and which you say would be understood to mean upon a pension, came from the Lord Chancellor, you then said nothing at all about Mr. Wilde's state of health?—I did not. I was not aware that Mr. Wilde was so very ill, as it afterwards turned out that he was, if we are to believe the petition that he presented.

224. Mr. *Vivian.*] Did you ever show a copy of this letter to the Lord Chancellor after you had written it?—No, I did not.

225. Are you in the habit of showing your correspondence to the Lord Chancellor, in order that he may see in what way you carry out his instructions?—Occasionally he has seen a letter, but very rarely indeed; occasionally I have shown him a draft of a very important letter.

226. Mr. *Bovill.*] This is rather an important letter as affecting Mr. Wilde. You knew there was 1,000 *l.* a year depending upon it, and also, as you say, a disagreeable and painful duty upon the Lord Chancellor. Can you tell us whether you showed this letter to the Lord Chancellor, or not?—I did not show that letter to the Lord Chancellor.

227. That you remember?—Certainly.

228. Had you anything to do with the preparation of the affidavit?—Nothing whatever.

229. And nothing to do with the petition, except sending a form?—I do not say that I sent a form: it is very possible that I may have sent a form. If I was asked for a form, I sent it.

230. But you certainly had nothing do do with the preparation of the affidavit?—Certainly not; the affidavit, you know, is a mere few words, it is merely three lines.

231. The affidavit, of course, as to the formal parts of it, would be the same in all cases, but the particular grounds would vary in each case?—They would vary, of course.

232. Had you anything to do with the preparation of the statement of the grounds in this case?—Nothing whatever.

233. Did you notice the terms of the certificate. The certificate is set out at page 27; it is dated the 28th of July 1864?—I did.

234. Did you notice the very peculiar terms in which that certificate is couched: "I hereby certify that I have been consulted by Mr. Henry S. Wilde "on account of a failure in his sight, which was a serious hindrance to him in the "performance of the duties of his office. Mr. Wilde first consulted me in August "1863. At his age I cannot look for any improvement in his vision." Is not that a very remarkable certificate?—I was dissatisfied with that.

235. Of course you called the attention of the Lord Chancellor to it?—I did, and also to the language of the petition; but his Lordship thought that, coupling the language of the petition with the affidavit and medical certificate, it was a sufficient ground on which to allow him to retire.

236. I see that the petition referring to the state of his health says, "as ap-"pears by the certificate." The passage is, "That your petitioner has for some "time past been afflicted with a failure in his sight, and that the same has now "become so serious that he is no longer able satisfactorily to perform the duties "of his office, as appears by the certificate"?—Yes, that is so.

237. You say that the attention of both yourself and the Lord Chancellor was called to that certificate; you thought it what?—I was dissatisfied with it, and I called the Lord Chancellor's attention to that point, and his Lordship said that he was of opinion that, coupling the language in the petition, and the affi-

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davit, and the medical certificate together, there was a sufficient case to enable him to make the order.

238. Was there any application to Mr. Wilde to come up to town to submit to any examination about his eyesight?—I know nothing of that.

239. Colonel *Pennant.*] The certificate is dated "Leeds, the 28th," and the affidavit is sworn in London on the 29th?—Yes, it would appear that Mr. Wilde got his certificate in Leeds, and came up and swore the affidavit.

240. Mr. *Bovill.*] As you thought this unsatisfactory, did you make any other inquiries as to the state of Mr. Wilde's health or his eyesight?—I did not.

241. Did you see him in London about that time?—Yes; he called upon me.

242. Did you take any means then to ascertain what was the state of his eyesight at all?—I did not; he looked very ill indeed when I saw him.

243. He was very much hurt, I suppose, at losing his office; he was very much distressed, was not he?—I have no doubt he was.

244. Have you any doubt that the state in which he appeared then arose from the consequence of the loss of his office?—I believe the statement in his petition to be true, that he really was very unwell; I believed what he swore to.

245. Will you be kind enough to tell me on what day it was that you received the petition and the affidavit; they are dated the 29th of July?—It must have been on the 29th.

246. You think you received them on the 29th?—Yes.

247. Having received them on the 29th, when did you see the Lord Chancellor upon the subject?—On the 30th; the order is dated the 30th of July.

248. You saw him on the following day, the 30th?—I may have seen the Lord Chancellor on the 29th also.

249. Do you remember whether you did or did not?—Here is a note from Mr. Wilde to me, which does not say much for the state of his sight, I think *(handing in the same.)*

250. This seems to be a letter dated the 29th of July, 21, College-hill, from Henry Wilde to Mr. Miller, "I beg to enclose petition, duly signed.—Yours "obediently, H. S. Wilde"?—I merely produce that to show that there was a considerable difference between the handwriting of one and the handwriting of the other.

251. Mr. *Vivian.*] The handwriting of what?—The handwriting of the carlier letters and of that.

252. Mr. *Bovill.*] Can you tell me when it was that you did see the Lord Chancellor with that petition and affidavit and certificate?—I have no doubt whatever that I waited upon the Lord Chancellor immediately I got the petition and certificate.

253. On the 29th?—I have no doubt I did; I see the order allowing Mr. Wilde to retire is dated the 31st of May.

254. That being so, possibly you can tell us now on what day it was, the 29th or 30th, that you saw the Lord Chancellor upon that petition?—I cannot speak positively as to that; I have no doubt whatever that immediately I received the petition I took the earliest opportunity of seeing the Lord Chancellor npon the subject.

255. Will you be kind enough to tell us what passed between you and the Lord Chancellor upon the subject?—1 have already told you what passed. I pointed out to the Lord Chancellor what occurred to me on the certificate. I told him I was dissatisfied with the medical certificate, but his Lordship on reading the petition, and the affidavit, and the medical certificate, thought that, coupling them together, there was sufficient to justify him in making the order.

256. When was the order made?—The order was made on the 30th of July.

257. The day after you received the petition?—The day after I received the petition.

258. Whether you settled that with the Lord Chancellor on the 29th or the 30th you are not able to inform us?—I am not able to say. I think the probability is that I saw the Lord Chancellor on the 29tb, his order being dated the 30th.

30th. I have no doubt that I saw the Lord Chancellor on the 29th, and received his instructions to prepare the order. The order was signed on the 30th; it was necessary that it shold be signed immediately, because one of the Leeds Registrars goes to Sheffield once a week, and to Hull once a week, therefore it was quite necessary that the vacancy should be immediately filled up.

259. Was it filled up immediately?—It was.

260. At the same time when the order was made?—I think the order appointing the gentleman who succeeded Mr. Wilde (Mr. Welch) is dated the 30th of July also.

261. Then was one matter settled, and was it at one interview between you and the Lord Chancellor that Mr. Wilde should be allowed to retire upon a pension, and that Mr. Welch should be appointed to succeed him?—No doubt of it whatever; that was on the 30th.

262. Mr. Welch was the gentleman appointed?—Yes.

263. How long before that had Mr. Welch applied to be appointed?—I cannot inform the Committee when Mr. Welch first applied to the Lord Chancellor, but I have a letter here from him, dated the 30th April 1864, in which he refers to a previous application. I had heard that there had been an application some time in December 1863, but if you will allow me I will read Mr. Welch's letter of April the 30th.

264. I will put that letter in in a moment, I only want the date now; it was, at all events, some time before the time we are speaking of that the first application was made?—Most certainly. I hold in my hand a letter from Mr. Welch to the Lord Chancellor, dated the 30th April 1864, in which he refers to a previous application; I find on looking at the letter that there had been more than one previous application.

265. Is there any further information which you can give the Committee respecting the preparation of that petition and the affidavit?—None whatever.

266. Will you be kind enough to look to your letter-book, and see if you have a copy of a letter dated the 28th of July 1864, from yourself to Mr. Wilde?—No, I have not.

267. Is that your official letter-book?—This is my official letter book.

268. Have you, besides that, a private letter-book?—No, I have not.

269. Supposing you write letters that you do not desire to appear in the official letter-book, do you generally keep any copies of them, or not?—No; none. I do not keep any copy of a private letter.

270. If it is a letter relating to a matter of business, which you do not desire to appear in the official letter-book, do you generally keep a copy of it on a separate piece of paper?—No, I do not.

271. If it is of great importance?—I might keep a draft, or a rough copy of it.

272. Have you a draft or a copy of any letter of the 28th of July from yourself to Mr. Wilde?—No; I see a letter here to Mr. Payne.

273. To Mr. Wilde, I say?—It is possible that a similar letter might have been sent to Mr. Wilde. No, that could not be; this letter is acknowledging the receipt of Mr. Payne's petition; I was going to say that it was possible that a similar letter might have been written to Mr. Wilde, but that could not have been, because at this date I was not in possession of Mr. Wilde's petition.

274. Will you look at this letter purporting to be written by you to Mr. Wilde, and tell me whether that is your writing (*handing a letter to the Witness*)?—Yes; this is my writing.

275. It is dated 28th July 1864?—Yes.

276. Colonel *Pennant.*] Where is it addressed to; to Leeds or to London?—That does not appear.

277. I see the doctor's certificate is dated at Leeds, on the 28th?—Yes.

278. Mr. *Bovill.*] That being your writing, have you any doubt that it was written on the day it bears date?—None whatever.

279. It was sent to Mr. Wilde, where?—That I cannot say; that letter is unfortunately not entered in my book.

280. The letter is in these terms; you will see that I read it correctly:

"Court of Bankruptcy, London,
"28th July 1864.

"Sir,

"I have your note and medical certificate, and if you will sign the enclosed petition and swear to it before any Commissioner for taking affidavits, and send

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send it to my house, No. 26, St. Stephen's-square, this evening, I will endeavour to get the Lord Chancellor to make the order to-morrow morning.

"Yours obediently,

"*J. F. Miller.*"

It is addressed to H. S. Wilde, Esq.?—Yes, that is so.

281. Have you any further explanation to give the Committee of your answers with respect to the preparation of the petition and affidavit which you now see were enclosed with this letter by you to Mr. Wilde?—I must have received a not from Mr. Wilde asking me for a form of petition. I have no doubt I did.

282. I insist call your attention to the words; this does not say a form of petition, it says, "I have your note and medical certificate, and if you will "sign the enclosed petition, and swear to it before any Commissioner for taking "affidavits, and send it to my house, No. 26, St. Stephen's-square, this "evening, I will endeavour to get the Lord Chancellor to make the order to-"morrow morning"?—Yes; then he must have sent me the material for the preparation of the petition, and the petition must have been prepared in my office.

283. The certificate was all you had?—I say in the letter, "Your note and "medical certificate."

284. That was the only thing you had?—There must have been a note from him which is not given here, and which I must have mislaid; I say "I have your note."

285. And if you look at these papers, you will see the note of the 28th of July, which says, "I have been prevented delivering the certificate, but I have "requested Mr. Hubbard, of 18, Bucklersbury, to forward it to you. I requested "my cousin, Charles Wilde, to wait upon you. Please write me, Messrs. Wilde, "21, College-hill, Solicitors;" is not that the note that you acknowledged by the letter of the same date, which I have just produced?—My impression is this, that either from Mr. Wilde, or from some of those other gentlemen named in Mr. Wilde's note to me, I must have got the information necessary to prepare the petition.

286. Did you prepare the petition or not?—Having seen this, I have no doubtof it.

287. That you prepared it?—No doubt; I have the petition here, I think.

288. Will you look at it?—Yes, I have referred to it; here is the petition (*producing a paper*). It seems to have been prepared in blank, leaving a blank for the important portion of it, that is, "That your petitioner has for some time "past been afflicted with a failure in his sight, and that the same has now become "so serious that he is no longer able satisfactorily to perform the duties of his "office;" all that has been manifestly left in blank, and been filled in from the information of some of those gentlemen, or from written information.

289. Did you prepare the petition or not?—Having seen this note, I have no doubt that it was prepared in my office.

290. Did you prepare it yourself?—It is very possible; very likely I did.

291. Having seen that letter, have you any doubt that you did?—I have no hesitation whatever in saying that I think it exceedingly probable that this was done by me.

292. Mr. *Edward Egerton.*] I thought you stated just now that you had nothing whatever to do with the preparation of the petition?—I said I was frequently applied to by persons for forms.

293. In this case you said you had nothing to do with it?—I had no recollection of it until I saw this note.

294. *Chairman.*] This is only about a year ago?—Only about a year ago.

295. Will you collect yourself a moment and think, for this is rather an important point?—Being shown this note, I have no doubt whatever that I did.

296. Without thinking of that note; from your own recollection of the circumstance, what should you say?—I have no recollection of it.

297. There is no wish to entrap you into saying anything, but it requires a little consideration and recollection on your part?—I have endeavoured to answer to the best of my recollection.

298. The *Lord Advocate.*] I think you said that you might have sent a form of petition, but that you had nothing to do with the preparation of the affidavit?—Yes, just so; if anybody applied to me to prepare a petition, I might, if I chose to be rude, say, I had nothing to do with the preparation of petitions.

299. Mr. *Edward Egerton.*] You say that you might have sent Mr. Wilde the form of the petition, but you had nothing to do with the preparation of the substance?—Strictly speaking it is not my duty to send forms of petitions, or

to

to prepare petitions; but if a gentleman asked me to put him in the way of drawing up a petition, no doubt I should do so.

300. Colonel *Pennant.*] What medical certificate had you?—No doubt I had the certificate which is attached here.

301. What medical certificate did you allude to in your letter of the 28th?—This which I have here.

302. This one which is printed in these papers?—Yes.

303. But your letter is dated the 28th of July, and the certificate is dated Leeds, 28th July?—Yes.

304. You, writing from London on the 28th, say that you have received the medical certificate, and yet the medical certificate is dated "Leeds" the same day?—That seems odd; it is very incomprehensible.

305. Mr. *Bovill.*] Can you explain it at all?—I cannot; the date "28th July "1864," appears to be in somewhat fainter ink than the body of the document; perhaps the Honourable Chairman will look at it himself (*handing in the Petition*).

306. Colonel *Pennant.*] It is not in the same handwriting?—I do not think it is.

307. Mr. *Bovill.*] Does the date on the certificate appear to be in a different handwriting or in different ink from the certificate itself?—The Committee must judge; it strikes me that it is.

308. Was the date there at the time it was sent to you?—It is in the same state in which I received it; it has never been out of my hands.

309. Having called your attention to the fact of that letter, you say now that you have no doubt you prepared, not only the form but the substance of the statements in the petition, as I understand?—I have no doubt that it was prepared either by me or in my office.

310. A petition like that would not be prepared without your sanction, would it?—Certainly not.

311. Are we to understand that you prepared it from the medical certificate?—From the medical certificate and from information given to me.

312. When?—By Mr. Wilde, or Mr. Hubbard, or some of those gentlemen; but Mr. Wilde swears to the facts in his affidavit.

313. I am not now discussing that; I am upon another matter?—Mr. Wilde swears to the accuracy of the statement in his petition, no matter who prepared it.

314. I do not at all dispute the accuracy of his oath, or anything of the kind; I am upon the matter as far as your part is concerned?—So I understand.

315. *Chairman.*] It would be more satisfactory to the Committee if you would trust more to your own memory with respect to preparing the petition, and these other matters. One would hardly have thought they would have been forgotten in a year?—It is quite true, however; I have no recollection of preparing that document, and but for the note which has been produced I should have said certainly that I did not prepare it.

316. Mr. *Bovill.*] That may bring to your mind another train of ideas with reference to whether you saw the Lord Chancellor or not; perhaps you can tell me now whether you prepared the petition with or without communicating with the Lord Chancellor, either before or after you prepared it?—I certainly never communicated with the Lord Chancellor either the fact of my giving a form of petition or preparing a petition for anyone; I should never dream of mentioning such a matter.

317. You told us just now that you considered the medical certificate unsatisfactory?—I did.

318. Considering the medical certificate unsatisfactory, did you prepare a petition which the Lord Chancellor was to act upon, and send it to Mr. Wilde without any communication with the Lord Chancellor?—I dealt with the matter before me, and I guarded myself in this way, that when I presented the certificate, the affidavit, and the petition, to the Lord Chancellor, I pointed out the objections I saw.

319. How came you to prepare a petition founded upon a certificate, which certificate you told us you considered unsatisfactory, and to do that without communicating with the Lord Chancellor at all?—I did not think it necessary, or in any way my duty, to lay the matter before the Lord Chancellor until the petition was complete. Be it perfect or imperfect, be it sufficient to support Mr. Wilde's case or not, I could not go to the Lord Chancellor until I had the documents complete in some shape or other.

320. A gentleman had been called upon to say whether he meant to apply to be allowed to retire, which you say meant to be allowed to retire on a pension,

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and then you sent him down a form of petition coming from you as Chief Registrar?—No doubt he applied to me for a copy of a petition, or a form of petition.

321. Then you volunteered to prepare it for him?—No.

322. How came you to do it?—It appears from this letter that he sent his cousin, Mr. Charles Wilde, to me; I have no doubt whatever that I got the narrative in the petition either from him or from Mr. Wilde himself.

323. The narrative in the petition concludes by this, "as appears by the cer- "tificate;" I do not think you will find anything else?—I think I shall.

324. "That your petitioner has for some time past been afflicted with a "failure in his sight, and that the same has now become so serious, that he is no "longer able satisfactorily to perform the duties of his office, as appears by the "certificate of Samuel Key, a Fellow of the Royal College of Surgeons, practising "at Leeds, hereunto annexed, and is consequently desirous of retiring"?—Mr. Wilde or his friends must have furnished me with that information.

325. Why did not you put the information of the friends in the petition, instead of referring to nothing but the certificate?—The statement in the petition is the statement of Mr. Wilde, and there was an affidavit appended to it, which it was necessary that Mr. Wilde should swear.

326. That was only verifying the petition, "I, Henry Sedgwick Wilde, one of "the Registrars of the Court of Bankruptcy for the Leeds District, the petitioner "named in the petition hereunto annexed, make oath and say, that the several alle- "gations in the said petition are true." I do not find any other statement in the petition except the statement of the facts as they appear by the certificate; if you had received information from any other person, why did you not state that as a fact?—The petition is in the usual form; it says, "That your petitioner was "appointed a Registrar of the Court of Bankruptcy for the Leeds District in the "year 1851;" there is an assertion that he makes in his petition, and he swears to that; then he refers to the 33d section, and so he goes on, paragraph by paragraph; he swears to it all.

327. If you had received information from other persons as to his state of health, why did you not put that, as a fact, into the petition, whereas you only say, "as appears by the certificate"?—It was not necessary to do anything more. The petition is Mr. Wilde's petition, and he verifies the statement in it by his own affidavit.

328. You told us that you thought the certificate was unsatisfactory?—I thought the certificate was unsatisfactory, and I pointed that out to the Lord Chancellor.

329. Therefore, if you had had any other information than the certificate, you would have stated it in the petition, I should presume; why did you not?—The medical certificate was in an unusual form; the petition was all right.

330. The medical certificate being unsatisfactory, if you had had any othe information you would have stated it, would you not?—It was not for me to say whether the certificate was sufficient or insufficient; I did my duty when I pointed out to the Lord Chancellor that I was displeased with it; then the Lord Chancellor took the narrative of the petition, and the fact of its being sworn to, and coupled those two facts with the certificate, and he felt that there was sufficient to justify him in making the order.

331. I must bring you back to the matter I was asking you about; you either had or had not other information before you besides the certificate; I call your attention to the fact, then, that the petition only refers to the certificate; it says, "as appears by the certificate;" had you or had you not any other information; if you had, why did not you state it?—I think the petition is right.

332. You see that the whole of that statement about his health is coupled with the following words, "as appears by the certificate of Samuel Key"?—Yes.

333. Does that enable you to tell us whether you had or had not any information except that certificate?—I had no information beyond what I have told you.

334. Had you any other information besides the certificate is my question?—None.

335. Therefore you referred only to his state of health, as vouched by the certificate?—I was of opinion that the certificate did not go far enough. The narrative in the petition was, as I have said, supplied to me.

336. Then how came you to prepare a petition, and send him down an affidavit upon which he was to obtain his pension, he having been invited to make an application to be allowed to retire on a pension?—I gave the materials as they had been given to me; I could not tell whether the Lord Chancellor would be satisfied with them or not.

337. How

337. How came you to prepare the petition?—Mr. Wilde must have asked me to do so; the Committee will not suppose that I invented these facts.

338. Did he or did he not ask you?—I have no doubt whatever that he did; I must have had the narrative of that petition either from himself or from Mr. Hubbard, or from his cousin.

339. *Chairman.*] You will feel that our difficulty and the difficulty of Mr. Bovill is entirely created by your own want of recollection of these things, which are very recent, in point of fact, considering their importance?—Yes, it may appear a little strange to you that my memory should not enable me to recall those circumstances, but so it is.

340. We only want to recall the facts to you?—There is a letter-book commencing the 21st of October 1863; that letter-book contains only the transactions of the year, and from it the Committee may see that my office is no sinecure; I am very willing to give the Committee every possible information I possess upon this subject.

341. Mr. *Bovill.*] I will call your attention to this; do you now recollect whether Mr. Wilde did or did not ask you to prepare the petition?—I have no doubt whatever, on your showing me this note, that I was asked by Mr. Wilde to prepare it.

342. Do you remember it now?—I do not recollect it, but I have not the least doubt of it whatever.

343. You see that on the 28th of July he wrote you a letter which is set forth in the printed papers; it is in these terms:—"Sir, I have been prevented de-"livering the certificate, but I have requested Mr. Hubbard, of 18, Bucklesbury, "to forward it to you; I requested my cousin, Charles Wilde, to wait upon you. "Please write me, Messrs. Wilde, 21, College-hill, solicitors;" and on that very same day you received the certificate, and you prepared the petition and the affidavit, and sent him the petition and the affidavit, requesting him to sign it; all on the same day?—I have no doubt whatever, that along with that letter of Mr. Wilde's of the 28th of July 1864, he sent me the narrative that appears in the petition.

344. The narrative all says, "as appears by the certificate"?—Yes, that is his narrative, not mine.

345. Do you mean to say now that he sent you any narrative beyond the certificate?—I have no doubt of it whatever; otherwise it comes to this, that I must have invented that statement in the petition, and Mr. Wilde swore to it.

346. You say, "as appears by the certificate"?—I have no doubt whatever that the material from which that petition was prepared was forwarded to me in some shape.

347. Can you produce any paper or any document, in which there is a reference to anything but the certificate?—I cannot; I have given the Committee every letter I can relating to this matter.

348. There is one which I have handed to you; by some accident, you have kept no copy of it?—No, I have kept no copy of it, but that is not my fault; it is the fault of the clerks in my office.

349. Look at the letter once again—"Sir, I have your note and medical "certificate, and if you will sign the enclosed petition, and swear to it before any "Commissioner for taking affidavits, and send it to my house, No. 26, St. "Stephen's-square, this evening, I will endeavour to get the Lord Chancellor to "make the order to-morrow morning"?—Yes.

350. If he had asked you to prepare the petition, should you not have said, "I have prepared the petition, and sent it to you in accordance with your "request"?—I have no doubt that he did ask me to prepare the petition, when I think of it, because if you refer to that letter, I say "I have your note and "medical certificate." There must have been another letter, besides the letter of the 28th of July, because he says there, "I have been prevented delivering the "certificate." There must have therefore been a note to which this was the answer; for this letter of the 28th did not contain any medical certificate; it says, "I have been prevented delivering the certificate." There must have been another letter sending the medical certificate.

351. Look again at the letter of the 28th of July, and you will see that Mr. Wilde was not to send you the certificate, but Mr. Hubbard was to send you the certificate?—Yes; still my note distinctly starts by saying, "I have your note "and medical certificate," so that Mr. Wilde must himself have sent me another note along with the medical certificate.

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352. Mr. Wilde says, "I have requested Mr. Hubbard" to forward the certificate to you?—But then this note of mine acknowledges another note from Mr. Wilde.

353. There is the letter of the 28th of July?—It is perfectly clear that there is a note wanting from Mr. Wilde to me, and that this is my answer to that note.

354. This is dated the 28th of July; you wrote that letter?—Yes.

355. There is also a letter, which has been produced and printed, dated the 28th of July?—Yes.

356. That letter refers not to his sending the certificate, but to somebody else sending the certificate?—Yes.

357. Your letter does not acknowledge two letters of the 28th of July?—It acknowledges a note and medical certificate.

558. It does not say a medical certificate from him?—It says, "I have your "note and medical certificate." It is clear that in transmitting the certificate he wrote a note to me with it.

359. He says that Mr. Hubbard will send the medical certificate?—There is clearly a note from him to me which is wanting.

360. Mr. *Edward Egerton.*] It is quite consistent with that note of yours that you may have had the certificate from Mr. Hubbard?—I say, "your note and "medical certificate." In my note to him I acknowledge the receipt of a note and of a medical certificate.

361. You do not say that the medical certificate came from Mr. Wilde?—I think that is meant.

362. Mr. *Bovill.*] Did you see Mr. Hubbard?—I think not.

363. Did Mr. Hubbard send you the certificate?—It appears to me that Mr. Wilde sent me the certificate. I say in my note, "I have received your note "and medical certificate."

364. Do you observe that that is on the same day as that on which he says he has requested Mr. Hubbard to forward you the certificate?—It strikes me that there is a note from Mr. Wilde to me, wanting here. I think this is quite clear.

365. Have you got it?—No.

366. Do you infer it from the terms of that note of yours?—Yes.

367. You have no recollection of any such letter, have you?—I do not recollect it at all.

368. Do you remember whether Mr. Charles Wilde waited upon you?—Yes; I have already said that I distinctly remember Mr. Charles Wilde waiting upon me.

369. On the 28th of July?—I should think it must have been on the 28th.

370. Can you tell the Committee what passed between you and Mr. Charles Wilde?—I have already done so; he said his cousin had made up his mind to petition, and spoke of the distressing nature of the entire affair.

371. He stated his intention to petition?—Yes.

372. That is what passed with Mr. Charles Wilde?—Yes.

373. That is all that passed?—I do not say that is all that passed; Mr. Charles Wilde felt very much grieved and vexed at all the things that had come out before Mr. Commissioner Ayrton and Mr. Harding; he felt very much distressed about it; but I cannot tell you all the conversation that passed between Mr. Charles Wilde and myself; it would be folly to attempt it.

374. Will you give the Committee the substance of it?—It is what I have stated; he expressed himself very much annoyed and grieved at all these disclosures, that had come out before Mr. Commissioner Ayrton and Mr. Harding.

375. And that his cousin intended to petition?—He told me that his cousin intended to petition.

376. You do not remember to have seen Mr. Hubbard at all?—I do not.

377. You do not know from whom you received the certificate?—I only know about it at all from this note which you put into my hands.

378. Your letter goes on, "I will endeavour to get the Lord Chancellor to "make the order to-morrow morning"?—Yes.

379. That is the 30th?—Yes.

380. Then the order was not made until the 30th?—No.

381. You sent off the petition to Mr. Wilde himself for signature, and the affidavit for swearing?—Yes.

382. And

382. And you said, "If you send it to me?"—Yes.

383. Then he does send it to you?—Yes.

384. The following day?—Yes, the following day; that is the 29th.

385. Did the Lord Chancellor at once upon seeing that petition, agree to give the pension?—He did; he considered, as I have already said, that taking the statement in the petition, and the affidavit, and the medical certificate, together, there was sufficient to justify him in making the order.

386. Did you see the Lord Chancellor more than once upon the subject?—No, I think not; I will not be quite certain of that, but I think not.

387. Let me call your attention to another letter; will you see if this is yours; it is dated 30th July; it is from yourself to Mr. Wilde (*handing a letter to the Witness*)?—Yes, that is a letter dated 30th July.

388. "Court of Bankruptcy, London. Sir,—I am very glad indeed to be "able to inform you that the Lord Chancellor consents to grant you a retiring "pension. I am to see his Lordship again upon the subject at 12 o'clock to-day, "and if you can be here at 2, I will tell you the result; if not, I'll write you"?—Yes.

389. Does that enable you to tell the Committee exactly whether you had one interview, or two interviews with the Lord Chancellor upon the subject?—It enables me to say that I must have had two interviews with the Lord Chancellor.

390. Just look at your letter-book, and see whether that letter is copied there?—It is not.

391. You have not a copy of it there?—No; I did not attach any importance to it.

392. The *Lord Advocate*.] Is that the letter referred to in Mr. Wilde's letter of the 30th, in which he says "thanking you for the expression of your sympathy"?—I think Mr. Wilde refers there to the letter of the 26th of July.

393. You will observe, that you say in the letter now shown to you, that you will let him know the result under certain circumstances; then he says plainly in answer to that, "not having heard further from you, I propose to return to "Leeds;" and he then thanks you for the expression of your sympathy?—I suspect that at the time of Mr. Wilde's writing this letter of the 30th of July, he could not have received this letter of mine.

394. Mr. *Bovill*.] I do not find any expression of sympathy in the letter of the 30th of July, but I do find an expression of sympathy in the letter of the 26th of July from yourself to Mr. Wilde?—Yes, that must be the letter he refers to.

395. Does the expression of sympathy refer to the letter of the 26th, or the letter of the 30th?—I think it refers to the letter of the 26th of July.

396. I suppose the explanation of these letters not being printed was that they were not in your letter-book, and you had kept no copies of them?—I have kept no copies of them.

397. Upon receiving this letter of the 30th of July, what happened next?—Then the order was prepared and signed by the Lord Chancellor.

398. Is this another letter that you wrote at that time (*handing a letter to the Witness*)?—Yes; this must have been an answer to his letter of the 30th of July, in which he says, "Not having heard from you, I propose returning to "Leeds this afternoon, unles sotherwise instructed by you." Then I say, "There "is no occasion for your again going down to Leeds."

399. You see the letter of the 30th of July says, "Not having heard from you, "I propose returning to Leeds this afternoon, unless otherwise instructed by you; "thanking you for the expression of your sympathy in the misfortune which has "overtaken me, I remain, &c. *H. S. Wilde*."?—Yes.

400. Did you then write the letter dated Saturday evening?—Yes.

401. That would be the 30th, I suppose?—I presume so.

402. I will read it; it is from yourself to Mr. Wilde: "Sir,—There is no occa-"sion for you again going down to Leeds; the Lord Chancellor grants you a "retiring pension, and has this day appointed another gentleman in your stead, "and on Monday or Tuesday you shall have an office copy of the order upon your "petition"?—Yes; this is written not from the court, but from my house, in all probability.

403. You have no copy of it?—I kept no copy of it.

404. That accounts for its not being in the printed papers?—That accounts for its not being in the printed papers; it is of no importance.

405. It completes, I think, the retirement of Mr. Wilde?—Yes.

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406. He never went down to Leeds again; the matter was concluded in the way you have stated in these few days?—Yes.

407. Can you give the Committee any information as to when Mr. Welch first applied for the appointment of registrar?—I cannot answer that question; I cannot say when Mr. Welch first applied to the Lord Chancellor to be appointed registrar, but I have here a letter from him, dated the 30th of April 1864, in which he refers to previous applications, so that he had applied more than once before April 1864.

408. Will you read the letter of April 1864, which you have there?—Yes. He says, "Goldsmith's Buildings, Temple. 30 April 1864. My Lord,—Having "been informed that Mr. Waterfield, the Registrar in Bankruptcy in Birmingham, "has resigned, or is about resigning his office, I take the liberty of offering myself "as a candidate for the vacancy. I shall not trouble your Lordship by alluding "to my former applications, and the names of the legal gentlemen to whom I "referred for any testimony to my capacity to discharge the duties of the office, "so I will confine myself to assuring your Lordship, should you feel disposed to "confer the appointment on me, your Lordship may rely upon my exerting myself "to the utmost to merit your Lordship's approval." In that letter there was found a letter to the Lord Chancellor from Mr. Edward James, dated the 9th of May.

409. I understood you to say that the letter of Mr. Welch was dated in April?—This letter of Mr. James is what was found in the other letter. I do not say that it accompanied it.

410. The Committee of course wish to be correct about the dates. That letter of Mr. Welch's refers to former applications. Can you state the date of those applications?—I am not in a condition to say when Mr. Welch first made any application, because the papers have not all been found; but I produce what have been found.

411. The *Lord Advocate.*] These papers were found among the Lord Chancellor's papers, were they not?—Yes.

412. And the date of that letter of Mr. Welch's, which you have read, is the 30th of April 1864?—Yes.

413. Mr. *Bovill.*] It does not appear that there were any certificates enclosed, but that letter refers to the former applications of Mr. Welch, and the names of the gentlemen to whom he referred?—Yes.

414. Did you search out those previous applications to see to whom he did refer?—The principal Secretary of the Lord Chancellor has searched, and those I now produce are the only papers he has been able to find.

415. Now, as I understand, you produce from the Secretary of the Lord Chancellor some other papers?—Yes; here is a letter from Mr. Edward James to the Lord Chancellor, dated the 9th of May 1864, in which he says: "My "Lord, Mr. P. R. Welch, of the Northern Circuit, informs me that he is an appli- "cant for a certain legal appointment, and requests me to certify your Lordship "as to his competency. I can have no hesitation in so doing, as I have had the "pleasure and advantage of his acquaintance ever since his call to the bar. "Should the favour of your Lordship be bestowed upon him, I feel assured that "he will do credit and honour to the office. I am your Lordship's obedient ser- "vant, Edward James." Here is also a letter (or rather a certificate) addressed on the same day, the 9th of May 1864, by Mr. Henry Udall, to the Lord Chancellor, he says, "I have known Mr. P. R. Welch for a great many years on "the Northern Circuit, and have much pleasure in certifying that he has always "been esteemed by his brethren on the circuit as a man of honour and a gentle- "man. He has always been a well-read man, and is, in my opinion, properly "qualified for a legal appointment. Henry Udall, The Temple, May 9th, 1864." Here is another certificate of the same date: "I have known Mr. P. R. Welch "as a barrister on the Northern Circuit, and also in his private capacity, for many "years, and I can without hesitation say, that I consider him a gentleman of high "honour, and well qualified for any appointment requiring intellect, industry, or "activity. Stephen Temple, Q.C., 1, Hare-court, Temple." That is addressed to the Lord Chancellor. On the 11th of May, there is a letter from Mr. Manisty to Mr. Welch. "Dear Welch,—It would afford me much pleasure, I do assure "you, to hear that your intended application for a County Court Judgeship has "been successful; I believe you are well qualified for such an appointment." Here also is a letter to Mr. Welch from Sir William Atherton, dated August 1863; he

he writes from Deal. "Dear Welch,—Your note of the 14th has reached me "here to day. You are still at liberty to refer (he underscores the word refer) to "me, as I said. But that was and is all I am in a condition to say; and I could "not write such a letter of introduction as you mention. With best wishes, I am, "dear Welch, yours faithfully, W. Atherton." Those are the only letters from Mr. Welch that have been found. *J. F. Miller*, Esq. 8 June 1865.

416. The *Lord Advocate.*] In whose handwriting is the backing of these letters?—I think that the backing of the letter of the 30th of April is in the handwriting of Mr. Pepys, who was then the Lord Chancellor's principal secretary. I presume that this is a memorandum of the answer: "The Lord Chancellor had "no reason to believe there was any vacancy."

417. Mr. *Bovill.*] Is there any date to that endorsement?—The 6th of May 1864 is the date of that.

418. You do not, as I understand, produce yourself, and have not had handed to you, any other letter than those with respect to Mr. Welch's application for the appointment?—No, I have not; that there were others is perfectly clear from his letter of the 30th April 1864.

419. They must have been earlier letters, and with reference to other persons?—Yes.

420. At all events you are not in a condition to produce any others?—I am not.

421. And those are given to you by the present secretary to the Lord Chancellor?—Yes, by the present principal secretary to the Lord Chancellor.

422. Do you produce, or can you produce any letters to or from Mr. Welch, about the time when this appointment took place in July 1864?—No.

423. Will you look to your letter-book, and see what communication was made to Mr. Welch (*the Witness referred to the same*)?—I have no correspondence here with Mr. Welch at that time. The first letter I wrote to Mr. Welch was in December 1864.

424. Is it the case that there were none, or that there were none of which you kept copies?—I had no correspondence with him about his appointment.

425. How was the appointment communicated to him?—The course would be this: I asked the Lord Chancellor for a name, he gave the name of Mr. Welch, and the order would be prepared in the usual way.

426. A draft order, or what sort of order?—There is the original order, signed by the Lord Chancellor (*producing the same*).

427. The course, you say, would be for the Lord Chancellor to give you a name; is that so?—Yes.

428. And he would give you the name of Mr. Welch?—Yes.

429. And he did do so?—He did so, and that order was prepared in consequence.

430. Would you draft the order?—I should prepare a draft of the order.

431. That would be the ordinary course of things, would it?—Yes, that would be the ordinary course of things; and the order being entered in the order book, the draft would then be destroyed. Thinking that the Committee might wish to see the original order, I got it from the Bank of England.

432. Will you tell me the course of proceedings. The name being given to you, you then draft an order for the appointment of a registrar?—Yes.

433. Who copies it?—The law stationer.

434. Who is he?—Mr. Wood is his name.

435. Where?—Of Basinghall-street.

436. That is the usual course of things in these appointments. You draft the order, and it goes to Mr. Wood the stationer, to be engrossed for signature?—Yes, and that is the engrossment, signed by the Lord Chancellor.

437. I presume you never draft an order with a gentleman's name in it, until that name has been given you by the Lord Chancellor?—Yes; I have done even that.

438. Have you really drafted an order appointing a registrar without the sanction of the Lord Chancellor?—I have done so. Perhaps the Committee will allow me to explain. I was always of opinion that Mr. Richard Bethell had been somewhat severely treated, that he had been forced to resign his office upon charges which turned out to be false; and when a vacancy occurred in February last, of a London registrarship, that is to say, when Mr. Slingsby Bethell, who had been a registrar in Basinghall-street, was appointed to be

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Clerk of the Table in the House of Lords, I then applied to the Lord Chancellor, unsolicited by any one, and without any conversation with any one, to reappoint Mr. Richard Bethell; I told the Lord Chancellor that I had all along been of opinion that he had been forced to resign, and that it was only an act of justice to reinstate him.

439. The *Lord Advocate.*] That was in February 1865?—Yes; that was in February last. The Lord Chancellor told me that he would consider my application, and for some days I was in hopes that his Lordship would have acceded to my request, and on the faith of the promise that he would consider the application, I did prepare an order re-appointing Mr. Richard Bethell a Registrar in London; my application was, not that Mr. Welch should be transferred to London and Mr. Bethell appointed to Leeds, but that Mr. Bethell should be re-instated in his office of Registrar in London. The Chancellor promised to consider it, and on the strength of that promise, I prepared an order appointing Mr. Richard Bethell to London. His Lordship subsequently told me that, on full consideration, he really could not appoint him, and the order was destroyed. That order I prepared without any instructions from the Chancellor.

440. Mr. *Bovill.*] Had you completed a draft of that appointment?—I had not only completed the draft, but had it engrossed.

441. You had sent it to the stationer?—Yes, believing that I should succeed in my application.

442. *Chairman.*] Was the name engrossed also?—Yes, with the name engrossed.

443. Mr. *Bovill.*] That is to say, the name of Richard Bethell?—Of Richard Bethell.

444. I suppose you can give me the date of that?—It must have been somewhere about the 22d or 23d of February 1865.

445. I suppose the stationer's bill would show that?—It might.

446. He would have some entry showing what he engrossed, would he not?—No doubt.

447. His name is Mr. Wood, of Basinghall-street, you say?—Yes.

448. Have you his account here?—No.

449. When you make out a draft, do you enter the draft in any book?—Not until the order has been signed by the Lord Chancellor.

450. Have you got that draft?—No, I destroyed both the draft and the engrossment; a few days after the Lord Chancellor had refused to sign that order or to make any order, Mr. Charles Skirrow told me that he had applied to the Chancellor to transfer Mr. Welch from Leeds to London, and to appoint Mr. Richard Bethell to Leeds, and he thought it very possible the Lord Chancellor would accede to this, and thinking that that arrangement might come off, I prepared orders for the transfer of Mr. Welch to London, and the appointment of Mr. Bethell to Leeds. The Lord Chancellor, when I spoke to him on the subject, peremptorily refused to make any order whatever, and the vacancy in London remains to this day. Those orders were also prepared without any directions from the Lord Chancellor, and both draft and engrossment were destroyed.

451. The *Lord Advocate.*] When was it that that took place?—Some time in February.

452. Was it after or before the other?—After the other, certainly.

453. Mr. *Bovill.*] I understand you to say that the preparation of the draft appointment of Mr. Richard Bethell to Leeds was drawn out by you after the Lord Chancellor had refused to appoint him to London. How long after the tearing up of the former order to which you have referred, was it that you prepared the appointment of Mr. Richard Bethell to Leeds?—Within a week, I should think; and those orders, with respect to Mr. Welch and Mr. Bethell, were also prepared without any instructions from the Chancellor; without his sanction or knowledge, in fact.

454. Were the two appointments, the appointment of Mr. Welch to London, and the appointment of Mr. Richard Bethell to Leeds, not only drafted but copied?—They were; they were engrossed. From what Mr. Charles Skirrow told me, I believed that that arrangement would come off.

455. In what way is Mr. Skirrow connected with the Chancellor?—He is a private friend of the Chancellor's.

456. Colonel *Pennant.*] What appointment does he hold?—He is one of the

Taxing

Taxing Masters in Chancery; he is a private friend of the Chancellor's, as I have already stated. *J. F. Miller*, Esq. 8 June 1865.

457. Mr. *Bovill.*] You would hardly prepare a draft of that sort, would you, upon the mere statement of some gentleman who was a friend of the Lord Chancellor's?—I knew Mr. Skirrow to be a very intimate friend of the Lord Chancellor's, and I had no doubt whatever that what he told me he believed to be true. He told me that he believed he should prevail with the Lord Chancellor.

458. With the exception of these cases, did you ever before draft, and have copied, an appointment of any person to a registrarship without the name having been given to you by the Lord Chancellor?—No, never.

459. As I understand, the first drafting and copying of the order relating to Mr. Richard Bethell was your own suggestion?—It was entirely my own suggestion; it had never occurred to me that Mr. Richard Bethell would accept of a country appointment. Certainly my wish was, that he should be restored to his former office as a registrar in London.

460. Had he been a registrar before then?—Yes; Mr. Richard Bethell was appointed registrar in March 1862, and he resigned in May 1864. On the 14th May 1864 I received from the Lord Chancellor a letter, which, if the Committee desire it, I will read. This is the Lord Chancellor's original letter; it directs me to prepare an order for Mr. Bethell's instant removal:

"Sir, "Saturday, May 14th, 1864.

"It has just come to my knowledge in the most sudden and overwhelming manner, that my eldest son, Mr. Bethell, has been guilty of the most flagrant misconduct. He is stated to me (and the fact admits of no doubt) to have lost during the last twelvemonth very large sums of money by betting at races, and to have raised money to pay these debts by bills of exchange and loans in every quarter; he is also stated to have been for some time in the habit of neglecting personal attendance at his office, and to have had his official duties discharged by deputy. I feel it my duty instantly to remove him from his office. I beg you to prepare an order without a moment's delay, stating 'it has been proved to my satisfaction that Mr. Richard Augustus Bethell has neglected the duties of his office, and is unfit to be continued therein,' and that I therefore remove him from the office of one of the registrars of the court as from this day. It would be idle to speak to you of the state of mind I am in; but I am determined that he shall be instantly removed, and that in the manner which justice requires.

"Your faithful servant,

"To the Chief Registrar." "*Westbury.*"

I was in bed when I received that letter, suffering severely from an attack of gout, otherwise I should have waited immediately upon the Lord Chancellor on the subject, but I wrote to his Lordship. When I read the letter I thought that it contained no ground whatever for removal, and that even if what the Lord Chancellor stated was true, as to Mr. Bethell's neglect of his duties, that would have been a case only for a reprimand; however, I wrote to the Lord Chancellor, and I will read the letter which I wrote to him:

"26, St. Stephen's Square,

"My Lord, Saturday, 14 May 1864.

"I feel deeply grieved to hear what you tell me, but I must entreat of your Lordship to do nothing rashly; to delay for a few days, or, at all events, to allow me an opportunity of seeing Mr. B. There is one portion of the information which has reached you which I believe to be incorrect, viz., that 'he has for some time been in the habit of neglecting personal attendance at his office, and had his duties discharged by deputy.' I do not believe this; I know he was absent for a week at Easter, and that Mr. Keene then attended for him, but he was fairly entitled to this. I pray of your Lordship to suffer this matter to rest in my hands for 48 hours; if I can get my foot to the ground I shall be with your Lordship to-morrow at eleven."

J. F. Miller, Esq. His Lordship's reply was,

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"Dear Mr. Miller,

"I am much obliged to you for your kind feeling letter. You knew I could not show my face in Court if I did not do in this case strict impartial justice. It has nearly broken my heart. I will wait until Monday. Do not think of coming out, as I am so ill that I must go to the country.

"Yours sincerely,
"*Westbury.*"

The Chancellor acceded to my request for delay, as you see by his Lordship's note, and I sent for Mr. Bethell, and I also sent for the chief clerk in my office in Quality-court, that is the Office for the Registration of Deeds where Mr. Bethell had been employed.

461. Mr. *Edward Egerton.*] Had he a subordinate position to you in your office?—He acted for me in the office for the registration of Leeds.

462. He was under your control?—He was as in the Registration of Deeds I investigated the charge of neglect of duty, and I found it to be all a piece of moonshine, just as I expected—that there was no ground for it whatever—and I thereupon wrote a very long letter to the Lord Chancellor remonstrating with him.

463. Mr. *Bovill.* Can you produce that letter?—I can; but I must beg of the Committee to allow me to strike names out of it. I will read that letter, to show why I had formed the opinion that Mr. Richard Bethell had been severely treated.

464. The Lord Advocate has a copy, which is lithographed, and which has the names all struck out; perhaps another copy can be procured similar to that?—I have struck out the names here.

465. I should like to see the original, because it may have an important bearing upon the case that I should see the names?—I will give you the names. The Lord Chancellor anticipating that this letter might be asked for, has given me the original. I kept no copy of it, and kept no draft; the draft was destroyed (*the original letter was handed to Mr. Bovill*). This is the letter:

"My Lord, "16th of May 1864.

"I have seen R. B., who candidly admits that many of the charges brought against him are unfortunately too true; but he denies that he has ever neglected the duties of his office, or had them performed by deputy. He is in great distress of mind, and sees and acknowledges the egregious amount of folly he has been guilty of, and I am happy to say feels for and bitterly regrets the consequences as regards your Lordship. I am very glad that I begged of you to pause in this matter, for the further consideration of it has satisfied me, not only that the circumstances do not justify the proposed order, but that, bad and disgraceful as they are, they may yet be pardoned; more especially when I find that others who have been guilty of similar conduct, have been passed over without even receiving any reproof of any kind. Your Lordship may probably say that I am blowing hot and cold; that I recommended the inquiry into the offences at Leeds, and that the registrars there should be called upon to show cause why they should not be dismissed. If so, I answer that the cases are widely different; that at Leeds the registrars have for the last two years been signing certificates, which they must have known were false; that these certificates have been the means of enabling the official assignees to plunder the court of very considerable sums annually; that they have taxed and allowed the messengers' bills without calling for the production of vouchers, and thereby enabled these persons to commit frauds, and to pocket large sums of money; and that they have done all this while under pecuniary obligations to the officers with whose returns and accounts they were dealing! There is nothing of this sort in R. B.'s case. He has been guilty of much folly, of extreme and egregious folly, I admit; but although this, no doubt, deserves to be severely censured, I, after full consideration, cannot think it a case for dismissal, or even for suspension. I feel confident I am right. I feel that had this

this been the case of any one else, your Lordship never would have resorted to either; and you must pardon me in boldly asking that, in this instance, you do not suffer yourself to be influenced by any considerations as to what may be thrown out in the shape of mere clamour; for no good man, no one whose opinion is worth having, will ever say that your Lordship ought to have taken any other course than the one I am about to recommend. As to dismissal, that is entirely out of the question; for it would impose a stigma which could never be removed. If R. B. had been Taxing Master, or a country registrar, and been borrowing money from persons whose bills it was his duty to tax, dismissal might have been called for, and would have been justifiable; but in the office held by him he has no power of favouring any one; no opportunity of selling justice even if he were so minded. And as to suspension, or resignation, there have been, as I have already said, several cases in which similar follies have been overlooked. Take, for instance, the case of Mr. [ ], who became a bankrupt only the other day, and in which your Lordship acted so differently, and, I must add, so kindly. Take also the case of Mr. [ ], which was much worse than that of Mr. [ ], for in it there were borrowings from the solicitors of the court, and who had petitioned once, and was about to present a second petition. Surely seeing that no suspension took place in either of these cases, your Lordship will never think of such a thing in this, simply because the offender is your own son, you must pardon me, my Lord, when I say that this must not be. I grant that it is awkward, that it is distressing, that it places your Lordship in a most painful position; but seeing that so many whose errors have been quite as great have been allowed to escape, I certainly think it would be somewhat cruel if R. B. were to be the first to be punished. I have only given your Lordship two cases, those of [ ] and [ ]; but I could give you many more, both of registrars and commissioners, and might begin with [ ], whom the Commissioners of Enquiry found to have been in the constant habit of having large bill transactions with one of his official assignees. What I have suggested is this: R. B. tells me he owes 20,000 *l.* He promises that he will abandon the courses which have led to this, and which have pained your Lordship so much, that he will never offend in this way again; and, believing him to be sincere, I have recommended him to place himself in the hands of Mr. ——, who managed Mr. ——'s matters; that a meeting of the creditors be called, and I have no doubt some arrangement will be come to whereby all further disgrace will be avoided, and R. B. will be enabled to return to his office. I hope your Lordship will approve of this. I hope you will give up all idea of making any order in the matter; but if you, unfortunately, should still hesitate, there is one favour which I must ask, and that is, that you will permit me confidentially to lay the whole facts before Lord Cranworth, who is one of the kindest persons in the world, and to ask him for his opinion. R. B. has left with me a formal resignation of his office, in case your Lordship should require it; but I need scarcely say, I trust you will see no occasion to accept this. I hear that Mr. —— is involved to a serious extent, and that he owes large sums to solicitors. Of course, if this be so, he ought to resign, for his position is altogether different. Shall I ask him whether what I have heard be true? I am better, but still unable to leave my room. I hope, however, to get out on Wednesday."

All this made no impression on the Lord Chancellor. I succeeded so far that I satisfied the Lord Chancellor that the charge of neglect of duty was altogether false; but he felt that it was due to the public (his words were, that it was "due "to the public") that his son should resign.

466. Had you a letter from him in answer to that?—Yes; I will read it.

"Dear Sir, "18th of May.

"I am much obliged by your kind and feeling letter respecting my son. But it is due to the public that he should resign, and therefore I shall accept and act upon his resignation as from to-morrow. I had no suspicion

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of his misconduct until the day on which I wrote to you my first letter, last Saturday. It has been to me an overwhelming affliction.

"Yours faithfully,
"*Westbury.*"

The resignation which Mr. Bethell had left with me was accordingly acted upon, and Mr. Pepys, then the Lord Chancellor's principal secretary, was appointed to succeed him.

467. Can you tell us the date when he was appointed?—Mr. Pepys was appointed on the 30th of May 1864.

468. Has Mr. Pepys continued to the present time?—He is still a registrar. I always felt (this brings me back to my original assertion) that the charges against Mr. Richard Bethell, of neglect of duty, having broken down, his resignation had been forced upon him improperly, and I determined that the very first London vacancy that occurred I should ask it for him, and I did so.

469. Now having, as you state, asked the Lord Chancellor for the first London vacancy for Mr. Richard Bethell, you went so far as to make out the appointment?—The Chancellor told me that he should consider my application on behalf of Mr. Richard Bethell, and after considering for a few days, his Lordship refused.

470. On what grouuds did he refuse?—He told me that he felt that he really ought not, taking all the circumstances into consideration, to re-appoint him; and then I destroyed the order which I had prepared.

471. From your statement, I presume that the Lord Chancellor was very decided, that it was not fit that his son should be appointed a registrar?—I presume so.

472. No doubt was left upon your mind as to the decision of the Lord Chancellor on the subject; first, as to insisting on his resigning, and next, that he should not be appointed again?—He felt that he ought not to be re-appointed.

473. And expressed that opinion in clear terms to you?—Yes.

474. So that it was on two occasions, first as to the resignation, and next as to the re-appointment?—His Lordship took a week to consider of it, or nearly a week; and at the lapse of that time, instead of signing the order, as I was in hopes he would have done, he peremptorily refused; he said, "No, I cannot make up my "mind to appoint him."

475. Mr. *Vivian.*] Which order is that you are now referring to?—The order re-appointing Mr. Bethell to London.

476. Mr. *Bovill.*] That was on what date?—It must have been somewhere between the 20th and the 25th of February last.

477. Can you explain to the Committee how it is that, after the Lord Chancellor had insisted upon his son's resigning, and had refused to appoint him to London when there was a vacancy, you could yet put his name again into an order for a registrarship in Leeds?—I have stated already that a few days after the Lord Chancellor had refused, Mr. Charles Skirrow told me, that he had suggested the transfer of Mr. Welch to London, and the appointment of Mr. Bethell to Leeds.

478. How came you to prepare that order after what had passed between the Lord Chancellor and yourself?—From what Mr. Skirrow told me I was led to do it.

479. Is the connection between the Lord Chancellor and Mr. Skirrow such that you would act upon what Mr. Skirrow stated?—Yes, certainly; he is exceedingly intimate with the Lord Chancellor.

480. Colonel *Pennant.*] Did you understand the refusal of the Lord Chancellor to re-appoint his son to refer to London only, or to other places as well?—It had never occurred to me that Mr. Richard Bethell would accept an appointment in the country.

481. Mr. *Bovill.*] I should be glad if you will return to the matter into which I was inquiring, when you yourself introduced these matters, which have led to further investigation, namely, the appointment of Mr. Welch. Have you any papers or documents of any sort or description to produce with reference to the appointment of Mr. Welch, when Mr. Wilde ceased to be registrar?—Only the original appointment; I asked the Lord Chancellor for a name, and he gave me the name of Mr. Welch.

482. You have no other letter, paper, or document of any sort or description to produce?—None; and I only the other day got those letters from the principal secretary of the Lord Chancellor, which I have produced to-day.

483. And you had no knowledge personally of the matters connected with Mr. Welch's appointment; is that so?—None whatever; I simply asked the Lord Chancellor for a name.

484. Did you see Mr. Welch at all at or about the time that he was appointed?—No, I did not; I never saw Mr Welch till after he was appointed.

485. As I understand, you had nothing whatever to do with his appointment?—Nothing whatever, except getting a name from the Lord Chancellor.

486. The next matter would be with reference to what occurred subsequently. Will you be good enough to give me the date when it was that you received a communication from Mr. Skirrow, as to Mr. Welch being transferred to London, and Mr. Bethell being appointed to Leeds?—That must have been about the 25th of February. I cannot fix the day, but I should say about that day.

487. Mr. *Vivian.*] You have stated, have you not, that on the 20th, or from that to the 25th of February, you applied to the Lord Chancellor to reinstate Mr. Bethell, and that a week after Mr. Skirrow had that communication with you?—I am certain that my application to the Lord Chancellor to re-appoint Mr. Bethell to London was somewhere about the 20th of February last; it might have been a day or two before.

488. Mr. *Bovill.*] Did you know of Mr. Bethell going down to Leeds at all?—Nothing whatever.

489. How long after you had made out a draft appointment, and had had it copied, was it that you destroyed it. I am speaking now of the making out of the appointment of Mr. Welch to the London registrarship, and of Mr. Bethell to Leeds?—I destroyed them both when the Lord Chancellor refused peremptorily to make any appointment.

490. Mr. *Vivian.*] You did not destroy them both at the same time, did you?—Yes; I destroyed the one appointing Mr. Richard Bethell to London before then, and I destroyed two others after that, namely, an order appointing Mr. Welch to London, and an order appointing Mr. Bethell to Leeds.

491. Mr. *Bovill.*] How long after you had made the draft appointment, and sent it to be copied, was it that you had any communication with the Lord Chancellor on the subject of the transfer of Mr. Welch to London, and the appointment of Mr. Bethell to Leeds?—It could only have been a day or two.

492. Then that engrossment of the appointment of Mr. Welch to London, and of Mr. Bethell to Leeds, remained some days in your office?—Two or three days, it might have been.

493. Was it two days or ten days, do you suppose?—Not ten days, certainly. From the time of their being engrossed to the time of their being destroyed, could not have exceeded three or four days.

494. Was Mr. Welch in London at that time?—I believe he was, but he never called upon me.

495. From whom did you hear that he was in London?—I do not know; I heard that he was in London, but I never saw him on that occasion.

496. How long was he in London?—I never heard.

497. Do you know whether Mr. Richard Bethell went to Leeds?—I heard of it afterwards, but not till afterwards.

498. How soon afterwards did you hear of it?—Within a few days of his having been down there.

499. When was that. Can you state in what month it was?—That must have been in February 1865, also.

500. Can you give me any notion as to how many days Mr. Welch was in London, and how many days Mr. Bethell was in Leeds?—None whatever; I have not the slightest idea.

501. Can you tell me whether it was the beginning or the end of February?—I know nothing of Mr. Bethell going to Leeds, beyond what I have said.

502. You heard of it, you say, within a few days afterwards. Can you tell me what time it was?—It must have been the end of February.

503. Did you know at that time that Mr. Bethell had been outlawed?—I think the outlawry was in December.

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504. You knew at that time, in February, that Mr. Bethell had been outlawed, I presume?—I believe that that outlawry was rescinded.

505. Had you known of more outlawries than one?—Only one; I think that the outlawry was rescinded in December 1864; I do not know the date of the outlawry, but I believe it was rescinded then.

506. Do you know at whose instance he was outlawed?—I do not.

507. Did you hear at the time?—I might have heard at the time, but I forget.

508. Do you know the name of the person?—I may; it was some man at Leeds, I think. I will not, however, undertake to say that; I have some faint idea of a proceeding against him by a man at Leeds, but I cannot undertake to say at whose suit the outlawry was.

509. That was what you understood at the time?—Yes.

510. Did you know where Mr. Bethell was residing in February?—At the St. James's Hotel in Piccadilly, I believe.

511. Can you tell me whether the day was actually arranged on which Mr. Bethell was to take his seat as registrar at Leeds?—I knew nothing of any arrangement there. I was no party to anything of the kind.

512. Are you in a condition to tell the Committee that there was no arrangement as to the day on which Mr. Bethell was to take his seat as registrar at Leeds?—I never heard of any such arrangement.

513. Could any such arrangement have been made properly, without your knowledge and concurrence?—If he went there it was very improper for him to do so without the order being signed.

514. Can you tell me whether it was or was not in March that you understood Mr. Bethell had been at Leeds?—I think it was in February.

515. You think it was, you say; are you sure?—Yes.

516. Have you seen Mr. Welch from time to time since the time when he was appointed?—I have not seen him for a considerable number of months, and I have only seen him I think twice since his appointment.

517. On each of those occasions did he appear to you to be a man in good health or bad health?—It did not appear to me that he was in bad health, and I have never heard of his being in bad health.

518. You never inquired into that, perhaps?—I never heard of it, and never inquired into it; if he accepted an office from the Great Seal, being in a bad state of health, I should think the consequence of that would be, that he would not be entitled to any retiring pension till he had served 20 years.

519. When you made out the appointment to transfer Mr. Welch from Leeds to London, what appointment of a registrarship was it that had become vacant in London, and for which you had prepared Mr. Welch's appointment?—There was a vacancy caused by Mr. Slingsby Bethell going to the House of Lords as Clerk of the Table.

520. That is the younger brother of Mr. Richard Bethell?—Yes, Mr. Slingsby Bethell is the younger brother.

521. Can you tell me the date on which Mr. Slingsby Bethell ceased to be a registrar in London—(*The Witness referred to a minute book*)?—I find here an order, dated the 17th of February 1865, which recites, "And whereas the "Honourable Slingsby Bethell, one of the registrars acting in London, having been "appointed to and having accepted the office of Reading Clerk in the House of "Lords, has tendered to me the resignation of the said office," and so on.

522. On the 17th of February 1865, therefore, had the office of registrar in London become vacant by the appointment of Mr. Slingsby Bethell to that office in the House of Lords?—It had.

523. At that time were there many applicants for the office of registrar in London?—I cannot say; I have no doubt there were; there always are.

524. Had you any communications by letter with Mr. Welch as to his coming to London, or as to his returning to Leeds?—I had two letters from Mr. Welch, which I will read; the first is dated the 28th of February.

"Court of Bankruptcy, Leeds District,

"My dear Sir, "28 February 1865.

"I take the liberty to write to you as the Lord Chancellor's minister in these matters. I have been expecting to hear from you, with my appointment to the London Court, in the Honourable S. Bethell's place, and to which

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which I was informed on this day week that the Lord Chancellor had on that morning been kind enough to transfer me. The Honourable Richard Bethell was here with me on last Friday and Saturday, and he told several, of the Chancellor's having appointed me to London, and that he himself was to succeed me here. He thought my house here would be too small for him, so I gave notice to my landlord to leave, forfeiting one quarter's rent. So you may imagine my surprise just now on receiving a letter from Mr. R. Bethell, saying the Lord Chancellor had refused to confirm my appointment. May I solicit your good offices to endeavour, with all deference to the Lord Chancellor, to induce his Lordship kindly to reconsider his refusal to appoint me to London. I would not presume to solicit his Lordship about this matter or aught else, for I believe him to be too just to do any thing without the deepest consideration, was it not that, under the circumstances mentioned among others, I, to use a familiar phrase between ourselves, am placed in such a dreadful 'fix.' May I solicit the favour of a reply, and your good offices.

" I am &c.
(signed) " *P. R. Welch.*

" *P.S.*—If I have not said everything I ought, or anything I ought not, " pray excuse it."

525. The statement in this letter I see is, that Mr. Welch was " informed on " this day week (that would be the 21st of February) that the Lord Chancellor " had on that morning been kind enough to transfer " him to London; had you made any such statement to him?—None whatever.

526. Had you written to him?—No, certainly not.

527. Do you know at all of your own knowledge to what that refers?—I do not know who made that communication to him. On the following day, Mr. Welch wrote another letter about the taxation of costs.

528. Will you read that letter?—

" My dear Sir, " 1 March 1865.

" I shall send you to-morrow, D. V., a return of the usher of my court, of the result of the rule you sent me last November, to commence from the first of December following, of the copying, &c., of the Court documents ordered by the solicitors. In taking the liberty of writing to you yesterday, I omitted to mention to you, that the number of bills of costs I am obliged to tax is something fearful. I cannot do it during business hours, and to do it conscientiously I am obliged to take them home almost daily, and am generally occupied for four or five hours, instead of spending that time with my family. I do assure you, this taxation is quite worth my salary. I will take an opportunity, some day, of ascertaining the number I have taxed since the Lord Chancellor was kind enough to confer the appointment upon me, should you not think that I intrude on your otherwise valuably occupied time."

Then on the 2d of March I answered those two notes, and my answer is this:

" Court of Bankruptcy,
My dear Sir, 2d March 1865.

I was absent, unwell, yesterday, and only received your two notes this morning. It is very much to be regretted that you have all been so exceedingly premature. If you had called on me when you were in town, you would have saved yourself a deal of trouble and annoyance. At present I am not in a position to say anything on the subject; there is no appointment, and it is uncertain what the Chancellor may do."

529. Colonel *Pennant.*] Whom do you mean by " all "?—He speaks in his letter to me of Mr. Richard Bethell having told him so and so; that led me to use the word " all."

530. Mr. *Bovill.*] Will you look at the letter-book and see if you have any other letters in the letter-book about that date to Mr. Welch or to Mr. Richard Bethell,

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Bethell, or to the Lord Chancellor. We will take first Mr. Welch (*the Witness referred to the letter-book*) ?—There is no other letter.

531. Have you any further statement that you wish to make with respect either to the resignation of Mr. Wilde, the appointment of Mr. Welch, in the first instance, or the circumstances connected with an exchange between Mr. Welch and Mr. Richard Bethell ?—No ; I have nothing more to say on the subject.

532. The *Lord Advocate.*] You are the Chief Registrar of the Court of Bankruptcy ?—I am.

533. And you know that in the course of last year a very considerable inquiry was instituted into the general working of the system of bankruptcy in England ?—Yes.

534. And there was a Committee of the House of Commons appointed, which sat both last Session and this Session, and investigated all these affairs ?—Yes.

535. You succeeded, I think, to the office of Chief Registrar ; you came to it by being the senior registrar for the time being ?—I was the senior registrar for the time being, on the resignation of Mr. Whitehead, but it is not compulsory on the Lord Chancellor to promote the senior.

536. Mr. *Vivian.*] When was that ?—In November 1863.

537. The *Lord Advocate.*] Then it devolved upon you officially to take notice of the matters that transpired in the course of the investigation that took place in 1864 ?—It did.

538. There were a great many complaints, were there not, in a great many parts of the country ?—Yes.

539. And complaints of the Commissioners of Bankruptcy from various quarters ?—Yes.

540. In consequence of those complaints, Mr. Commissioner Ayrton and Mr. Harding were appointed by the Lord Chancellor to make a special report, were they not ?—It was rather in consequence of an investigation which I had made into the accounts of the official assignees and managers at Leeds. The official assignees and messengers of the Court of Bankruptcy were required, under the Act of Parliament, to make a return to me every six months ; and on investigating the accounts of the official assignees and managers at Leeds, I found it quite impossible to believe that the statements in them could be true, and therefore I suggested to the Lord Chancellor that Mr. Commissioner Ayrton should be asked to make the inquiry.

541. When was that ?—That must have been in March 1864.

542. He did make the special inquiry, and I think, if you look at the Parliamentary Return, you will find that in the Leeds Court of Bankruptcy there was no less a sum than about 5,000 *l.* deficient ; will you see whether I am right in that ; first of all, on page 4 you have the report about Mr. Carrick, have you not ?—Yes.

543. He was deficient 1,315 *l.*, was he not ?—The amount found to have been improperly retained by Mr. Carrick was 1,315 *l.* 14*s.* 2*d.*

544. What was Mr. Carrick ?—He was one of the official assignees at Leeds.

545. The next case is that of Mr. George Young, on page 8 ?—Yes.

546. He was deficient 1,204 *l.*, was he not ?—He was found to have improperly retained 1,204 *l.*

547. Then, taking the case of Mr. Templer, whom you have mentioned on page 12 ; he was deficient also ; I think this is a two years' charge, is it not ?—I think so.

548. I see it is said here, that during the two years over which the returns extend, Mr. Templer has improperly retained a sum of 1,423 *l.* ?—Yes.

549. Then Mr. Nedell, page 16, is reported to have retained 1,668 *l.* ?—That is so.

550. So that, according to this report, the Leeds Court of Bankruptcy was in this state—that the officers had retained in their own hands, 5,610 *l.* within two years, over and above the money they ought to have had ?—Yes ; I hold a statement in my hand which shows the returns for a variety of years ; for instance, taking the returns for the year ending the 11th October 1862, Mr. Carrick returned 388 *l.* 13 *s.* 3 *d.* ; for the year ending October 1863, he returned 1,122 *l.* 18 *s.* 9 *d.* ; for the year ending October 1864, 766 *l.*, and for half year ending 11th April 1865, 134 *l.*, and then he was found to have improperly retained 1,315 *l.*

551. I am

551. I am not wrong, then, in saying that, according to the report of the Commissioners, 5,610*l.* had been retained which ought to have been paid over?—No.

552. If the accounts had been properly audited, would that have been possible?—Certainly not.

553. Taking the accounts of these four officials, we have Mr. Carrick, who was an official assignee, Mr. Young, who was an official assignee also, Mr. Templer, who was a messenger, and Mr. Nedell, who was a messenger too?—Yes.

554. Who is bound to audit the messengers' accounts?—The registrars ought to have done that.

555. Who is bound to audit the official assignees' accounts?—They ought to be audited partly by the registrars and partly by the commissioners. I have a memorandum here which will show what gave rise to my asking the Chancellor about this matter, and suggesting the inquiry. I found, on examining the accounts of the official assignees and messengers at Leeds, and comparing them with those in London, that, taking the year ending 11th of October 1863, each official assignee in London in that year had on an average 736 cases, and that the salaries of their clerks on those 736 cases amounted to only 866*l.*, and their charges for petty expenses and postages were 395 *l.*; whereas at Leeds I found that with 308 cases in the two Courts, the salaries of the clerks amounted to 1,776 *l.*, that is to say more than double the London amount, with less than half the number of cases. I found that the salaries of the clerks in 308 cases in Leeds were more than double the amount of 736 cases in London, and I found that the charge for postages and petties on those 308 cases was 1,458 *l.* against 395 *l.* in London.

556. It was that which led you, in the first instance, to direct the attention of the Chancellor to the subject?—It was.

557. When you got Commissioner Ayrton's report as regards the state of the Court, you thought it your duty, I suppose, to lay it before the Lord Chancellor?—Yes.

558. In your letter of the 16th of May, which you read, you suggested to the Chancellor to call upon Mr. Wilde to show cause why he should not be called upon to resign?—It appears from that letter, that I had previously suggested that the registrars at Leeds should be called upon to show cause why they should not be dismissed.

559. Had these recommendation of yours the slightest reference to Mr. Richard Bethell?—None whatever.

560. Had they the slightest reference to any one who might be appointed to succeed Mr. Wilde?—Not the slightest.

561. Had you the slightest idea who would succeed him if he did resign?—No.

562. Had your recommendations any connection with the question who was to succeed Mr. Wilde?—None whatever.

563. In April 1864 Mr. Richard Bethell was himself a registrar in the Court of Bankruptcy, was he not?—He was; Mr. Richard Bethell was appointed in March 1862, and resigned in May 1864.

564. So that when this inquiry began in April 1864, he was a registrar himself in the Court of Bankruptcy?—He was so in London.

565. And your proceedings therefore in April 1864 could not by possibility have had any reference to Mr. Richard Bethell, or to any member of the Lord Chancellor's family?—None whatever.

566. Who were the Commissioners at Leeds?—Commissioner West and Commissioner Ayrton.

567. Mr. Payne was also one of the registrars, was he not?—Yes; he was also one of the registrars.

568. And was also involved in the inquiry, I believe?—Yes.

569. What became of him?—He petitioned to be allowed to retire.

570. When?—In July last, at the same time as Mr. Wilde, but there was no order made upon Mr. Payne's petition for some time; he sent in his petition in July, but he continued to act till the 10th October.

Veneris, 9° die Junii, 1865.

MEMBERS PRESENT:

Mr. Edward Egerton.
Mr. Evans.
Mr. Howes.
Colonel Douglas Pennant.
Mr. Vivian.

Mr. Bovill.
The Lord Advocate.

EDWARD HOWES, Esq., IN THE CHAIR.

John Fisher Miller, Esq., called in; and further Examined.

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571. The *Lord Advocate.*] I WANT you to give me distinctly a few dates. In the first place, there had been complaints in regard to the state of the business at the Leeds Bankruptcy Court prior to the month of April 1864, had there not?—I know that there were several complaints as to the state of the business in the Leeds Court, but I cannot remember the dates of those complaints.

572. You were examined, I think, before the Committee which sat upon the Bankruptcy Law last year?—I was.

573. In Question 148, at page 8 of the Minutes of Evidence taken before the Committee on the Bankruptcy Act, you are asked this, "Do you know whether "there has been any investigation into any other official assignee's accounts in "London or the country?" You had been speaking before of an official assignee elsewhere?—Yes, of the name of Johnson, I think.

574. It was with reference to Mr. Johnson. Then you say this: "Some time "ago" (you were speaking of the 3d of May) "I was very much dissatisfied with "the half-yearly accounts rendered to the Chief Registrar by the Official Assignees "at Leeds, and also with the accounts of the messengers at Leeds, and I drew up "an analysis." Then you go on to say what you found in those accounts; and you say, "I came to the conclusion that it was impossible that these accounts "could be correct." You began by saying that this was "some time ago;" do you recollect when your attention was first directed to the state of the business in the Leeds Court?—I think the examination I made, and to which I there refer, must have been in the previous February.

575. This is the 3d of May 1864?—Yes; I think I told the Committee yesterday, that on that occasion I made a comparison between the accounts in the Leeds Court and the accounts in the London Court.

576. You go into the details here, and then you say that you thought it impossible that they could be correct, and you reported the matter to the Lord Chancellor?—Yes, and I think I gave you the figures yesterday. I found that they were considerably more than double those in London.

577. You think it was about the February before this, that is in 1864, that your attention was first directed to those accounts of the official assignees and messengers of the Leeds Court?—Yes.

578. Were you aware that there had been complaints to previous Lord Chancellors as to the state of the business there, and in particular as regarded Mr. Wilde?—I know that there had been a complaint made during the Chancellorship of Lord Campbell as to Mr. Wilde.

579. Will you tell me what you know about it?—It was the case of Mr. William Jackson, reported in the "Law Times" of the 10th of December 1859.

My

My predecessor in office, Mr. Whitehead, the chief registrar at that time, wrote this letter to Mr. Wilde, dated the 22d of December 1859:

"Dear Sir,

"I am directed by the Lord Chancellor to call your attention to the case of Jackson, reported in the 'Law Times' of the 10th instant, which came before Mr. Commissioner Ayrton on the 16th November last. It represents that Mr. Rayner, one of the creditor's assignees, stated that, in the solicitor's bill, two sums were charged as paid to 'the registrar' for 'fees,' viz., one of 8 *l.* 8 *s.* for attending private sittings, and one of 5 *l.* 5 *s.* for attending the sale of some real estate, and that when he saw the bill a second time, these items were struck out. That the solicitor, in his explanation, stated that the fees had been returned, and the Commissioner said, 'as to the items charged as fees paid to the registrar, he had not the least idea of the meaning of such a charge; they were fees which the registrar ought not to have demanded, and which the solicitor ought to have known better than to have paid.' The Lord Chancellor considers that this report, if true, contains a grave charge against the registrar, and as it names you as the one in attendance, I have his Lordship's directions to call upon you to explain the circumstances under which, by what authority, and on whose account the sums in question were, as is stated in the report, taken by you, and afterwards returned to the bankrupt's estate."

580. To whom is that addressed?—It is signed by Mr. Whitehead, and addressed to Mr. Wilde; then Mr. Wilde answers that letter on the 28th of December. He says,—

"Dear Sir,

"In reply to your letter of the 22d of December, I beg to say that the case of Jackson to which you allude was, as I considered at the time, specially referred to me to investigate, and which I attended at unusual hours of business, and at unusual expense, going to Hull for the examinations, and for which attendance I thought myself justified in receiving the fees in question from the solicitor to the petition; but understanding that the bill in which such fees had been charged had not been presented to the trade assignee before taxation, I had the fees returned to the official assignee; and upon my seeing the Commissioner I told him of the circumstances under which the fees had been received, and he observed that I should have mentioned the fees to him before receiving them, he thought. I deeply lament the error I have committed, and deplore the censure to which I have exposed myself, and I pledge myself most solemnly to the Lord Chancellor never again, under any circumstances to allow my conduct to be called in question by any similar act. The fees proposed to be paid me I had entered in the audit bill, the record of the court, always examined by the trade assignee and by the commissioner, and

"I remain, dear sir,

"Yours faithfully,

"*H. S. Wilde.*

"P.S. Illness since I came to London must be my excuse for not sooner replying to your letter."

581. Did the affair terminate there?—No; I find further letters.

582. Colonel *Pennant.*] Was this letter in the "Law Times," which was the origin of the first correspondence, anonymous, or was it signed by any individual?—The case of Jackson is reported in the "Law Times" of the 10th December 1859, at page 137.

583. Mr. *EdwardEgerton.*] Who drew the attention of the Lord Chancellor to it?—If the Committee please, I will read the final letter, conveying Lord Campbell's censure.

584. How was the Lord Chancellor's attention directed to it; was it by anyone on the spot, or did he see the report in the "Law Times"?—The chief

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registrar says, "I am directed by the Lord Chancellor to call your attention "to the case of Jackson, reported in the 'Law Times' of the 10th instant." That is the report I have handed in.

585. It was no complaint made by any individual on the spot?—I do not know.

586. The *Lord Advocate.*] Is that the report of a contested suit?—It is the report of a case before Mr. Commissioner Ayrton.

587. Mr. *Edward Egerton.*] That seems to have been brought to the notice of the Lord Chancellor?—Yes, it must have been brought to the notice of the Lord Chancellor; how, I do not know; I only know the result.

588. The *Lord Advocate.*] What was the result?—There was a letter of Mr. Wilde's on the 28th of December, which I have read. Then comes a letter of Mr. Whitehead's on the 31st of December:

"Dear Sir,

"I have this morning laid before the Lord Chancellor your letter to me of the 28th inst., and I am directed by his Lordship to convey to you his opinion that you have acted with great indiscretion, and are deserving of his censure, for receiving in the case of Jackson, the fees or sums referred to in my former letter, as you could not, under any circumstances, be entitled to receive from a bankrupt's estate remuneration for extra services. His Lordship, however, trusts that you have acted from inadvertence rather than with any wilful intention, and, after the contrition you have expressed, he is disposed to pass over the error you have committed, in the hope that you will not again be guilty of a similar act. With regard to your attending the sale of the real estate, his Lordship considers that if a custom exists at the Leeds Court of the registrar attending such sales, it is quite unnecessary and must forthwith be discontinued; and that a bankrupt's estate ought not to be put to such an expense."

589. You therefore had, prior to the 3d of May, been investigating this matter that had come under your attention as early as February. You say in your evidence of last year, that you "reported the matter to the Lord Chancellor, "and he directed an inquiry that has been going on for the last month, before "Mr. Commissioner Ayrton, assisted by a London accountant sent down for the "purpose"?—Yes.

590. So that Mr. Ayrton's commission along with Mr. Harding, was a month before the 3d of May 1864, that is to say, at the beginning of April 1864?—I have a copy of a letter which I wrote to Mr. Commissioner Ayrton.

591. On what date?—On the 22d of March 1864; I think that will explain it.

592. Was that informing him of the Lord Chancellor's wish that there should be an inquiry?—Yes; it is this:

"My dear Ayrton, "22 March 1864.

"The charges of the official assignees of the Leeds Court for salaries to clerks, and for printing, stationery, postages, and petty expenses, are so incomprehensible, so very much in excess of, and so impossible to be reconciled with those of any of the others, either in London or the country, that the Lord Chancellor has directed me to transmit their accounts to you, and to beg of you to be good enough to investigate them most rigidly, and let me have a special report on the subject as soon as you conveniently can. I sent you a tabular statement a few days ago, and if there be any other statistical information which you think would be of use to you in your investigation, pray let me know, and you shall have it. I am also directed to ask you to investigate the accounts of the messengers of the Leeds Court, which are also most unsatisfactory. For the two years ending 11th October last, the messenger at Manchester, with 297 cases a year only, has paid over a surplus of 1,664 *l.* 16 *s.* 2 *d.*, while the Leeds messengers with 308 cases will, judging from the accounts sent me, not pay over anything like half the amount! Templer's account for the year ending 11th October last, has not been forwarded, although I have written to him for it over and

over

over again, nor has he paid over anything for that year. I send the accounts by mail parcel and, enclosed, you have a list of them. *J. F. Miller, Esq.*

"Ever very sincerely,
"*J. F. Miller.*" 9 June 1865.

593. That was a letter from you to Mr. Commissioner Ayrton, dated as far back as the 22d of March 1864?—Yes.

594. Mr. Harding, I think, is a London accountant, and he was conjoined with Mr. Ayrton in the inquiry?—He was.

595. I will just ask you this, to make it clear to the Committee; the two Commissioners at Leeds were Mr. Commissioner West, and Mr. Commissioner Ayrton?—Yes.

596. The registrars were Mr. Payne and Mr. Wilde?—That is so.

597. The messengers were Mr. Templer and Mr. Carrick?—No; the messengers were Mr. Needell and Mr. Templer.

598. And the official assignee was Mr. Carrick?—Yes, and Mr. Young.

599. That constituted the staff of the Bankruptcy Court at Leeds?—Yes.

600. Mr. Harding had no connection with the Court at all?—None.

601. He was a professional accountant sent down to report with Mr. Commissioner Ayrton, on the state of the business?—Yes; he is a professional accountant in London.

602. On the 3d of May last year you stated this in your evidence, "I this "morning received Mr. Commissioner Ayrton's report as to one of the messengers, "Mr. Needell; I have caused a copy to be made of it, which I will hand in;" you did hand in that copy?—I did, and I think those papers are printed in the Appendix.

603. Then you say, "I have no report yet furnished of the investigation into "the accounts of the official assignees. Mr. Commissioner Ayrton promises that "in a few days he will let me have his report as to the official assignees, which "with the Lord Chancellor's permission I will hand in to the Committee"?—Yes.

604. In point of fact, all the papers that have been referred to as regards Mr. Wilde, at least those reports, were handed in to the Bankruptcy Committee?—Yes. As the reports came to my hands, I had copies of them made, and handed those copies to the Committee, with the sanction of the Lord Chancellor.

605. The Committee will find the result of Mr. Harding's examination at page 350 of the Appendix, and at page 361 will be found the report of Mr. Commissioner Ayrton, and immediately preceding that the correspondence with Mr. Templer the messenger?—Yes.

606. Your examination took place while Mr. Richard Bethell was a registrar of the Court of Bankruptcy in Basinghall-street?—Yes.

607. I need scarcely ask you, had Mr. Richard Bethell the slightest connection with the inquiries which were made into the Leeds Bankruptcy Court?—None whatever.

608. The persons involved in that inquiry were, as I understand, Mr. Wilde, Mr. Payne, Mr. Templer, Mr. Young, Mr. Carrick, and Mr. Needell?—Yes.

609. And they were all of them found to be in the wrong?—Yes, certainly.

610. The two registrars, the two official assignees, and the two messengers, fell under the censure of the Lord Chancellor, in consequence of facts reported upon by Mr. Commissioner Ayrton and Mr. Harding?—Mr. Commissioner Ayrton and Mr. Harding found that the official assignees and the messengers had improperly retained large sums which they ought not to have retained, and they found that there had been really next to no taxation of the bills of costs.

611. In regard to the official assignees and the messengers, the complaint was that they had retained sums which they ought to have accounted for?—Yes.

612. In regard to the registrars, the complaint was that they had not properly taxed the accounts which they ought to have taxed?—That was so.

613. What proceedings were taken in consequence of those reports against the others, as distinguished from Mr. Wilde, say against Mr. Payne, against Mr. Templer, and against Mr. Needell and Mr. Young?—The Lord Chancellor was very

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very much offended, and very much hurt at the state of things there, and he instructed me to serve them one and all with a notice to appear before him.

614. Can you tell me when that was done?—I cannot say exactly what was the time.

615. Was it done with regard to them all at the same time or nearly at the same time?—It was not done, for his Lordship, after consideration, begged of me to hold my hand for the time; he begged of me to stay any action.

616. When was that?—I think it appears in a letter which I produced yesterday; it is stated in one of the Lord Chancellor's letters to me or in one of my letters to him.

617. Mr. *Edward Egerton.*] I do not recollect any mention of it in any letter that has been put in?—I will look for it in my letter-book; I do not think that these letters of mine to the Lord Chancellor were entered in the letter-book.

618. The *Lord Advocate.*] I do not think you produced any letters of the Lord Chancellor yesterday, excepting those relating to Mr. Richard Bethell, as far as I remember?—I must have had a letter of that kind. Here is the original draft of my letter, of the 14th of May, to the Lord Chancellor (*producing a letter*).

619. That is the same date as the date of Mr. Bethell's retirement?—Yes; that is the letter commencing—"I feel deeply grieved to hear what you tell me;" and then at the end of that letter there are these words: "I have stayed the "proceedings against the official assignees and messengers of the Leeds Court, "although I fear your Lordship must have forgotten that they proceeded on the "evidence of the parties themselves; on their own examinations taken before "Mr. Commissioner Ayrton and Mr. Harding, and signed by them."

620. Mr. *Edward Egerton.*] You did not read that letter yesterday, did you?—I think I did.

621. The *Lord Advocate.*] Have you got among your papers a letter of the same date, which you addressed to Mr. Templer?—I do not think I have the correspondence with Mr. Templer here; I have it in the letter-book.

622. The Committee will find it at page 357 of the Appendix to the Bankruptcy Report of last year?—Yes.

623. The terms of the letter are: "The Lord Chancellor has directed that "the proceedings against the official assignees and messengers of the Leeds Court "shall be suspended to allow of any representation they may have to make "through the Commissioner." You wrote that on the same date, on the 14th of May?—Yes; I find the letter in my letter-book, and then below it there is a similar letter.

624. Colonel *Pennant.*] I do not know what letter you are referring to; I see a letter of the 24th of May, in which you say, "I am directed by the Lord "Chancellor to request that you will, within one week from this day, put Mr. "Commissioner Ayrton in possession of the explanation called for by my letter of "the 16th instant"?—Yes, that was to Mr. Wilde.

625. The *Lord Advocate.*] These are letters to Mr. Wilde. What I am now speaking of are letters to the other officials, who were dealt with differently in this respect, that they were actually summoned to show cause before the Lord Chancellor?—Yes; but the proceedings were stayed.

626. Mr. *Edward Egerton.*] You did not read the whole of that letter which you have just quoted, yesterday?—No; because that portion of it did not relate to Mr. Wilde.

627. The *Lord Advocate.*] Is not this the state of the facts: that on the 13th of May, by direction of the Lord Chancellor, Mr. Templer was summoned to show cause why he should not be dismissed?—Yes.

628. And on the 14th you intimated to him that "The Lord Chancellor has "directed that the proceedings against the official assignees and messengers of the "Leeds Court shall be suspended, to allow of any representations they may have "to make through the Commissioner. Pray send whatever you have to say to "Mr. Commissioner Ayrton, without delay"?—Yes, that was so; the proceedings were stayed.

629. A similar notification was sent to the other messenger, and to the two official assignees?—Yes.

630. With regard to Mr. Payne, what was the course that was followed in regard to him?—Mr. Payne petitioned to be allowed to retire.

631. The

631. The question was, what was the course adopted in regard to him; was there any correspondence with regard to him?—There was a similar letter written to Mr. Payne on the 16th of May.

632. Similar to the letter of the 16th of May, which you wrote to Mr. Wilde?—In the very same words, or nearly in the same words, I think.

633. Mr. *Bovill.*] Will you read that letter?—

> " Dear Sir,
>
> " By the same post which carries this, you will receive copies of four reports lately made to the Lord Chancellor, by Mr. Commissioner Ayrton and Mr. Harding, on the subject of the returns and accounts of the official assignees and messengers of the Leeds Court, and of the examinations on which these reports proceeded, and I am directed by the Lord Chancellor to request that you will immediately furnish Mr. Commissioner Ayrton with any explanation you may desire to give of the charges against you, involved in these documents, and which appear to be, first, that accounts which ought to have been submitted to, and allowed by your Commissioner, were certified by you as having been submitted to and sanctioned by him, without his ever having seen such accounts; and that thereby large sums had been improperly allowed to the official assignees; second, that you have been in the habit of taxing the bills of the messengers, without calling for the production of the vouchers for the sums alleged to have been paid by them; and third, that you had borrowed money both from the official assignees and messengers of the Court, and thereby destroyed your independence and efficiency. I must trouble you to acknowledge the receipt of this letter, and of the copies of the reports and examinations."

It is the very same as the letter to Mr. Wilde, I believe.

634. The *Lord Advocate,*] In the end was Mr. Payne informed that he must either retire or come forward and show cause why he should not be dismissed?—Yes.

635. Mr. *Bovill.*] We must have the letter?—I will look for it.

636. The *Lord Advocate.*] Was there a letter sent to Mr. Payne also?—I think there was. I find that the next letter to Mr. Payne is on the 24th of May 1864:

> " Dear Sir,
>
> " I am directed by the Lord Chancellor to request that you will, within one week from this day, put Mr. Commissioner Ayrton in possession of the explanation called for by my letter of the 16th instant, otherwise you will be served with notice to appear and show cause in open court why you should not be dismissed from your office of registrar."

It is exactly the same as the other letter to Mr. Wilde; just the same course of proceeding was adopted with the one as with the other.

637. That is on the 24th of May; does Mr. Payne resign, or what happens to him?—Mr. Payne petitioned to be allowed to retire; he was 82 years of age.

638. We want any communications that were made in writing in the first instance?—I will look for the letter.

639. Mr. *Edward Egerton.*] Did he send in a claim for a pension?—Yes.

640. The *Lord Advocate.*] Was there any communication made to him before he sent in his petition to resign?—On the 18th of May Mr. Payne writes to me acknowledging the receipt of my letter of the 16th.

641. You told the Committee yesterday that Mr. Payne retired at the same time that Mr. Wilde did?—He sent in his petition about the same time.

642. Will you see whether there is not a letter of the same kind, about the same time, namely, the 26th of July?—On the 9th of June there is a letter to Mr. Payne. " Dear sir,—I sent you copies of the report and examinations as to " the taxation of bills of costs, in the Leeds Court." It is just the same as the letter to Mr. Wilde.

643. Mr. *Edward Egerton.*] We wish to know what course was taken about the petition?—On the 26th of July I wrote to Mr. Payne in the same terms as I wrote to Mr. Wilde.

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644. What did you say?—

"Dear Sir,

"It grieves me much to inform you, that unless I hear in course of post that you mean to apply to be allowed to retire, I have instructions from the Lord Chancellor to serve you with notice to appear before him publicly in open court, and show cause why you should not be dismissed from your office of registrar. I sincerely trust, for your own sake, that you will see the propriety of relieving the Chancellor from the very disagreeable and, indeed, painful duty which is thrust upon him."

645. So that the only difference is, that you do not put into the letter to Mr. Payne the sentence that you put into the letter to Mr. Wilde, about his state of health?—Yes.

646. Mr. *Vivian.*] Those words occur in the latter half of the last sentence of the letter to Mr. Wilde?—Yes.

647. The *Lord Advocate.*] Mr. Payne was 82 years of age, was not he?—Yes.

648. And under the Act he would be entitled to his pension?—Yes.

649. All these things took place simultaneously in the course of this general inquiry into the Leeds Bankruptcy Court?—Yes.

650. And they had, as you have already stated, no reference whatever to Mr. Bethell?—No reference whatever to Mr. Bethell.

651. Had they the least reference to Mr. Welch?—None whatever; I never heard Mr. Welch's name mentioned until the Lord Chancellor gave it to me to insert in the order.

652. After Mr. Wilde's retirement?—On Mr. Wilde's retirement.

653. Who succeeded Mr. Payne?—He was succeeded by Mr. Stephens.

654. When was he appointed?—He was appointed in October; Mr. Payne sent in his petition in July, but he continued to act until October, and in October Mr. Stephens was appointed.

655. Did you recommend Mr. Welch to the Lord Chancellor?—Certainly not. I never saw Mr. Welch until after he had been appointed.

656. You never saw or heard of Mr. Welch until after he had been appointed?—I had heard that there had been a person of the name of Welch applying to the Lord Chancellor months before.

657. But you did not know him?—No; I had never seen him. I never saw him until after his appointment.

658. You did not know whether he was in good or bad health?—Not at all. I think I heard in December that a Mr. Welch was an applicant for a registrarship, but I never saw him.

659. Have you any reason to think that there is any truth in this statement or suggestion, that it was arranged that Mr. Welch should hold the office which was vacated by Mr. Wilde until the reversal of the outlawry of the Honourable Richard Bethell?—None whatever. I do not believe a word of it.

660. Was Mr. Bethell outlawed at the time that Mr. Wilde resigned; that is, in July 1864?—No; I think the outlawry was subsequent to that. I believe the outlawry was completed in December last, and rescinded in the same month.

661. As far as you know, was there any arrangement of any kind made which entered into Mr. Welch's appointment to that office?—I never heard a whisper of any such arrangement; if I had, I should have felt it my duty to communicate with the Lord Chancellor about it, no matter from whence it might have come.

662. Mr. *Edward Egerton.*] When was Mr. Bethell made an outlaw?—I cannot fix the date.

663. The *Lord Advocate.*] The outlawry was in December?—I cannot be quite sure about the date of the outlawry. The reversal was in December.

664. You remonstrated with the Lord Chancellor about dismissing Mr. Bethell; you thought it harsh, did you not?—I did; I thought it a harsh proceeding, because there was really no charge against him in his office.

665. And you stated the reasons for that in the letters you wrote to the Lord Chancellor?—I took the liberty of doing so.

666. Do

666. Do I rightly collect from that, that you thought there was no charge of a malversation in the office?—There was a charge of neglect of duty, but on investigation it turned out to be false.

667. The other matters mentioned by the Lord Chancellor did not appear to you important?—The other matters, I considered, ought not to have been allowed to interfere.

668. That was your view?—That was my view.

669. But your view did not prevail?—I succeeded so far that the Lord Chancellor admitted that there was no ground for the charge of neglect of duty.

670. Your view did not prevail in reinstating Mr. Bethell in his office?—It did not; the Lord Chancellor said, "I feel it to be due to the public that he "should retire."

671. From the time you failed to accomplish that object, from July 1864, what was the next you heard of Mr. Richard Bethell connected with any office whatever?—My attempt to reinstate Mr. Richard Bethell was in February 1865. I heard nothing of him in connection with any other office; I believe he went abroad immediately after his resignation in May 1864, and I heard nothing of him until after I had made the application on his behalf to the Lord Chancellor in February last.

672. So that from July 1864 to February 1865, you heard nothing whatever of Mr. Richard Bethell?—I heard nothing; I had not seen Mr. Richard Bethell from Sunday the 15th of May, until February last; until after I had made the application in his behalf.

673. From Sunday the 15th of May 1864, until February 1865, you had not seen him?—I had not seen or heard of him.

674. And had had no communication with the Lord Chancellor on his behalf at all?—None whatever.

675. You told the Committee yesterday that you had had engrossed two separate appointments in the name of Mr. Richard Bethell?—I did.

676. Can you give me any explanation of your reason for doing that?—Simply the explanation I gave yesterday, that the Lord Chancellor promised me that he would consider the application I made to him, and on the strength of that promise I prepared the order; I believed that I should succeed.

677. Is that your usual practice, when the Lord Chancellor says that he will consider an appointment, to make out the order?—Certainly not.

678. Why did you do it in this case?—It might have been from over anxiety. I felt very anxious that Mr. Richard Bethell should be reinstated; I felt that injustice had been done to him. I felt too confident, as it has turned out, that he would be reappointed; I was wrong, as the event proved.

679. The first of these occasions was when Mr. Slingsby Bethell was transferred from that court to the House of Lords, was it not?—Yes.

680. You wanted his brother to be put in his place?—Yes, I was anxious that Mr. Richard Bethell should be reinstated in his former office.

681. The Lord Chancellor said that he would consider of it?—Yes, his Lordship said that he would take it into consideration.

682. And upon that you had this appointment actually engrossed?—I had.

683. But the Lord Chancellor refused to do it?—The Lord Chancellor refused to do it; he refused to make the appointment. I had it engrossed without any instructions.

684. Did Mr. Richard Bethell apply to you upon that occasion?—He did not.

685. It was spontaneous on your part?—It was spontaneous entirely. I never communicated with him, or anyone else, on the subject; only with the Lord Chancellor.

686. In regard to the second of those communications, you seem to have made out two appointments?—Yes.

687. One in favour of Mr. Welch to the London vacancy, and the other in favour of Mr. Richard Bethell to the Leeds vacancy?—Yes, that is so.

688. Have you any further explanation to give to the Committee about that? None; I can only repeat what I said yesterday, that Mr. Skirrow appeared very confident that he should succeed in carrying out the suggestion he had made to the Lord Chancellor.

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689. In short, is not it the case that you made out those appointments in order that you might not lose the chance of getting the Lord Chancellor's consent, and acting upon it. The reason why you had those appointments engrossed, which certainly was an extraordinary proceeding on your part, was in order that you might be ready in case the Lord Chancellor relented?—Precisely so.

690. In regard to that last proceeding about the Leeds Bankruptcy Court, had you had a communication from Mr. Richard Bethell about it?—Do you mean with regard to the appointment?

691. Yes, about having the appointment ready?—No, none whatever.

692. Or about the appointment of Mr. Welch?—I had never seen or spoken to Mr. Richard Bethell upon the subject.

693. Had you heard from him?—No, I had not heard from him nor from anyone on his behalf up to the time of proposing to the Lord Chancellor to make the appointment.

694. I speak of the second of the communications when you made a proposal?—That was not my proposal; it was Mr. Skirrow's proposal.

695. I speak of that occasion, and I want an answer to this question; had you heard from Mr. Richard Bethell about it?—I had a letter from Mr. Richard Bethell from Leeds; I knew nothing of his going to Leeds; the first information I had of Mr. Richard Bethell going to Leeds, was in a letter, dated from the "Court of Bankruptcy, Leeds district, Friday," without any other date; simply "Friday." I received that, I believe, on the same day on which I received Mr. Welch's first note.

696. Mr. *Edward Egerton.*] That is the one in which he expressed dissatisfaction?—The one to which in my answer I told him that they were all exceedingly premature.

697. The *Lord Advocate.*] What are the terms of that letter from Mr. Richard Bethell. Will you read it?—I will;

"Court of Bankruptcy, Leeds District,

"My dear Miller, Friday.

"I had not time to call on you previous to leaving London, but I suppose you have heard that the Chancellor intends to transfer Mr. Welch from the Leeds district to London, and to appoint me to the district. I will come and see you on Monday, as I wish that Mr. Stephen should be the senior registrar, and perform the duties lately performed by Mr. Welch, and that the Sheffield and Hull portion of the district should be allotted to me. I have seen Mr. Stephen this morning, and have offered to give him every Tuesday and Saturday in Leeds, which appears never hitherto to have been done by any other registrar. My object in writing to you now is, that Mr. Welch having to fight a railway in the House of Lords, which is threatening his property in Suffolk, is anxious to have a few days before commencing work in Basinghall-street, and would be glad to have your authority for leaving, if you will kindly mature matters with the Chancellor, I shall be particularly obliged if you will, as far as you are concerned, not send the order made by the Lord Chancellor for publication in the newspapers.

"Believe me, yours sincerely,

"(signed) *R. Bethell.*"

That was the first intimation I had of Mr. Richard Bethell's going to Leeds.

698. Then you had no communication with Mr. Richard Bethell at all upon this matter, until you received that letter?—None whatever.

699. Was not it in consequence of receiving that letter, that you made out the two appointments?—No, certainly not; it was in consequence of what Mr. Skirrow told me that I made out the appointments, and then when I received that letter and Mr. Welch's letter (I distinctly remember that I received both together); I wrote that letter, in which I told Mr. Welch that they were all exceedingly premature; I did not answer Mr. Richard Bethell's letter at all, but I answered Mr. Welch's. I told him, "I think you are all exceedingly pre-"mature; there is no appointment; and it is uncertain what the Lord Chancellor "may do."

700. Though it was premature, you had that appointment engrossed?—I had.

701. When

701. When did you apply to the Lord Chancellor to complete that appointment?—I cannot name the day; I only spoke to the Lord Chancellor about the transference of Mr. Welch from Leeds to London on one occasion, and he peremptorily refused to make any order whatever; he said, "I will make no "order for the transfer of Mr. Welch to London, or the appointment of Mr. "Richard Bethell."

702. He refused?—He refused peremptorily; and I have never since urged anything of the kind.

703. Then you have had no communication with the Lord Chancellor about those proceedings of Mr. Richard Bethell's, except what you have now mentioned?—None.

704. And on the only occasion when you ever spoke to him about it he peremptorily refused to make any such order?—Yes.

705. Mr. *Edward Egerton.*] Is this letter which you have handed in in Mr. Bethell's handwriting?—No; here is the original (*handing in a letter*).

706. The *Lord Advocate.*] Have you anything further to say about the course of proceeding with regard to that petition and certificate of Mr. Wilde's that you spoke to yesterday?—No, I have not.

707. It is a fact that you did prepare, in your office, this petition?—It is a fact that I prepared that petition from information received either from Mr. Wilde, or from some of his friends.

708. And you sent the form of affidavit?—Yes.

709. I want to know whether you have any recollection now from whom you received the information?—No, I have not; I must have received it either from Mr. Wilde, or from some of his friends.

710. One word with regard to the charges made against Mr. Wilde, on page 3 of the printed papers; the three charges which appear in the letter of the 16th of May were made against both the registrars, were they not?—Against both the registrars; the only difference, I think, was, that Mr. Payne had borrowed more money; he had borrowed to a greater extent.

711. He had borrowed more money than Mr. Wilde?—Yes; Mr. Payne had borrowed 500 *l.* from Mr. Carrick, 150 *l.* from Mr. Young, 50 *l.* from Mr. Needell, and 12 *l.* from Mr. Templer; I think that is what came out in the examination.

712. The first charge was, "That accounts which ought to have been sub-"mitted to, and allowed by your Commissioner, were certified by you as having "been submitted to and sanctioned by him, without his having ever seen such "accounts, and that thereby large sums had been improperly allowed to the "official assignees"?—Yes.

713. Mr. Wilde had said and had certified that the returns of those accounts were submitted to and approved by the Commissioner?—Yes.

714. On the 8th of April 1862?—Yes.

715. On page 4 I find this—"Each of Mr. Carrick's half-yearly returns con-"tains the following memorandum at the foot of the last page: Memorandum. "This account contained in pages respectively marked A, is the account referred to "in the affidavit of Theophilus Carrick, official assignee, hereunto annexed. The "reasonable office expenses having been previously submitted to, and sanctioned "by, Mr. Commissioner Ayrton," signed by Mr. Wilde?—Yes.

716. That was not true?—So Mr. Commissioner Ayrton says.

717. You were asked about the borrowing of the money, and a statement was read to you which the Attorney General was said to have made, that the Lord Chancellor was not dissatisfied with the explanation. You say that the Lord Chancellor was not satisfied; let me ask you whether, as far as you understood from the Lord Chancellor, if the borrowing of the money had stood alone, and the accounts had been otherwise properly examined and taxed, you think from what passed between you, that the Lord Chancellor would have considered that that of itself would have made it necessary to remove Mr. Wilde?—The Lord Chancellor appeared to me to think that it was highly improper in any registrar of the court to borrow money from persons who came before him, it being his duty to tax the bills of those persons.

718. Of course, when it was found that the accounts were wrongly taxed, that gave it a still more serious aspect?—Certainly.

719. Mr. *Vivian.*] Was this letter from Mr. Richard Bethell, dated Friday,

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written on the same day as the letter of Mr. Welch, complaining of his duties?—Mr. Welch's letter to me was dated the 29th of February.

720. His first letter?—The letter which appears on page 28 of my evidence of yesterday.

721. I refer to the second letter, dated the 1st of March. You say that this letter of Mr. Richard Bethell's was received the same day?—I think it must have been received the same day; I received them both on the same day, for I had been absent because I was unwell.

722. This letter is dated Friday, without any day of the month; now, I have referred to an almanack, and I find that Friday was the 3d of March, in this year, 1865?—I have no doubt it was written on Friday, the 3d of March.

723. But then, on the 2d of March, you reply to Mr. Welch that they were all premature?—That is because Mr. Welch tells me in his letter that Mr. Richard Bethell had been there. Mr. Welch tells me that "the Honourable Richard "Bethell was here with me on last Friday and Saturday," and he told me "and "so forth."

724. He says, "last Friday;" if it was the antecedent Friday on which the letter was written, that would have been the 24th of February, instead of the 3d of March; no doubt that clears it up?—Yes, no doubt it was so.

725. Mr. *Bovill.*] When an appointment is signed by the Lord Chancellor, what is the first thing that is done with it?—It is entered in my order-book.

726. Have you the order-book there?—Yes, I have (*producing a book*).

727. Then what is done; is there any publication which takes place of it in any newspaper?—No.

728. It is not published in any newspaper?—No; at least I never take any trouble to publish it in any newspaper.

729. Is it generally the case, that an order made by the Lord Chancellor appointing a person is sent to the newspapers?—It is not sent by me.

730. Do you know, as a matter of fact, whether an order made by the Lord Chancellor appointing a person is sent to the newspapers or not?—Those things come out; you see them published; the reporters and people about the Court get to know the appointments that are made.

731. Will you tell me upon what day the Mr. Stephen, who is mentioned in Mr. Richard Bethell's letter, was appointed?—The order appointing Mr. Stephen is dated the 12th of October 1864.

732. Was there any further order in the month of February or in the month of March, with respect to Mr. Stephen?—The next order is for the payment of his salary; it is dated the 12th of October.

733. Was there any order in February or March?—No, no further order.

734. Is there any memorandum or minute with respect to the duties that Mr. Stephen was to perform; Mr. Richard Bethell says in his letter, "I will "come and see you on Monday, as I wish that Mr. Stephen should be the senior "registrar, and perform the duties lately performed by Mr. Welch, and that the "Sheffield and Hull portion of the district should be allotted to me." What I want to know is, whether there was any minute or memorandum or anything of the sort, with respect to Mr. Stephen's duties?—None whatever.

735. Is that the book which contains the appointments made in February and March, that you are referring to?—This book contains all the orders made from July 1862 down to the present time.

736. When you say "orders," do you mean appointments as well?—All sorts of orders made by the Lord Chancellor in Bankruptcy.

737. Does that include appointments as well as orders?—Whose appointment do you refer to.

738. I ask about the book?—All appointments made by the Lord Chancellor are here.

739. Will you hand me that book?—(*The same was handed in.*)

740. What is the other book you have in front of you?—This is my letter-book.

741. Will you be kind enough to explain, if you can, what is the meaning of this passage in the letter of Mr. Richard Bethell: "I shall be particularly "obliged if you will, as far as you are concerned, not send the order made by the "Lord Chancellor for publication in the newspapers"?—I cannot give any explanation of that beyond this, that we all know that Mr. Richard Bethell is exceedingly

exceedingly involved, and he might be desirous that it should not be known that he was there.

742. That it should not be known that he was where?—That he was at Leeds; that was the construction I put upon it then, and put upon it now.

743. He says, "the order;" what order would that refer to; the order appointing him?—The order appointing him.

744. The order appointing him to be registrar at Leeds?—Yes, he seems to have gone down there, concluding that it was all arranged and settled.

745. Then this expression requesting you not to send the order you understand to be a request not to send the order appointing him registrar at Leeds?—That is what I understand by it.

746. And did understand at the time?—That was my understanding at the time.

747. He says I shall "see you on Monday;" did he see you on the Monday?—He did not.

748. What date do you now give, to the best of your ability, to this letter of Mr. Richard Bethell, dated Friday?—It strikes me that I must have received this on the same day on which I received Mr. Welch's second letter.

749. Will you just give me the date, if you please, as far as you can?—I must look at these papers.

750. *Chairman.*] If you look at the letter of Mr. Welch, dated the 28th of February, at page 28, you will see that he refers to Mr. Bethell having been with him on the Friday?—He does; I am now looking for the letter I wrote, in which I told him they were all exceedingly premature; I think I must have received Mr. Bethell's letter on the same day on which I received Mr. Welch's letter of 28th February; I think the date of that letter must have been Friday, 24th of February.

751. Mr. *Bovill.*] That is the date you give to the best of your power, looking at the different letters, as that on which Mr. Richard Bethell's letter was written?—Yes.

752. You believe then now that that letter, which is dated Friday, from Mr. Richard Bethell was written on Friday the 24th of February?—I believe so.

753. Mr. *Evans.*] You stated that you had been unwell; that may account for the time when you received the letter?—I had; I had been absent a day or two. I have now a strong impression, I do not know how it is but I cannot get away from the impression, that I received that letter and both of Mr. Welch's letters on the same day.

754. Mr. *Edward Egerton.*] I think you told the Committee yesterday that those were the only two cases in which you had ever put in a name on your own account, without instructions from the Lord Chancellor?—Those are the only two cases.

755. You have been registrar for 13 years, since 1851, have you not?—For 23 years.

756. How long have you been Chief Registrar?—Only since 1863.

757. It was not your duty previously to make out the orders?—Previously to that it was not my duty.

758. What was the date of the granting of Mr. Payne's pension, the confirmation of it?—The 11th of October 1864.

759. Mr. *Bovill.*] Did you prepare Mr. Payne's petition or not?—I prepared Mr. Payne's petition; Mr. Payne is a very old friend of mine; I have known him for nearly 30 years.

760. Has the office in London to which you had made out the appointment of Mr. Welch ever been filled up?—No, it has not; there is a vacancy in London now; I have urged the Lord Chancellor several times to fill it up, but his Lordship has refused to do so.

761. The *Lord Advocate.*] There is a Report of a Committee of the House of Commons that has some bearing upon that, is not there?—I am aware of that; but I told his Lordship the other day that the pressure was such that the registrars would some of them break down if nothing were done.

762. Mr. *Edward Egerton.*] Are there heavy arrears of work?—There is no arrear, but we are too short-handed; the vacancy occasioned by the removal of Mr. Slingsby Bethell to the House of Lords remains unfilled, and Mr. Wins-

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low, one of the registrars, has for the last eight or nine months been acting for Mr. Commissioner Fonblanque, so that, practically, we are two registrars short.

763. Mr. *Bovill.*] As regards those matters of the complaints about the Leeds Court of Bankruptcy, the Lord Advocate has put it to you whether there were general complaints about the Leeds Court, and you say there were?—There were.

764. I believe those complaints were not confined to the officers mentioned by the Lord Advocate, but included Mr. Commissioner Ayrton himself?—I have no recollection of any complaint against Mr. Commissioner Ayrton.

765. Did they not proceed from Mr. Lupton, the chairman of the Chamber of Commerce, who complained of Mr. Ayrton that he only sat once a week?—I do not remember it.

766. If you were to look at the Bankruptcy Report, to which my honourable and learned friend referred, you will find that statement of Mr. Lupton?—It may be so.

767. You do not remember anything about it?—No.

768. Can you tell me the date of the appointment of Mr. Pepys?—Yes, I can; the 30th of May 1864.

769. Have you procured for me the dates when you sent the draft appointments or orders appointing Mr. Bethell, Mr. Welch, and Mr. Bethell the second time, to the stationer's to be engrossed?—Yes, I have here a memorandum which I sent last night to the law stationer's (*handing in a paper*).

770. "Give the bearer any extract (*dates*) from your books which will show "the preparation of any appointment of Mr. Richard Bethell to London in "February last, and also to Leeds; also any order appointing Mr. Welch to "London"?—Yes. He sends me down this morning an account, the first item in which is the 20th February 1865, "Engrossing order in blank, folios 6." I do not know what that refers to. Then the next is "22d of February, Bethell, "fair copy, ditto." I have no doubt whatever that that entry of the 22d of February is my proposed appointment of Mr. Richard Bethell to London (*handing in the paper*).

771. "1865, February 20, engrossing order in blank, folios 6, and paper "1*s.* 1*d.* 22d, Bethell, fair copy ditto, folios 6, and paper, 10*d.* 27th, R. "Bethell, engrossing order, folios 5, and paper, 11*d.*; ditto, fair copy ditto, folios "5, and paper, 9*d.* Welch, engrossing order, folios 5, and paper, 11*d.*; ditto, fair "copy ditto, folios 5, and paper, 9*d.*" That is the memorandum sent to you?—Yes.

772. Then, which date would refer to the preparation or sending to be engrossed of Mr. Bethell's appointment; what is that on the 20th of February?—You see there is no name mentioned there; it is "engrossing order in "blank."

773. Then, it was engrossed in blank first, was it, and afterwards filled in?—I cannot say what that refers to; here is an entry on the 22d of February, "Bethell, fair copy." I have no doubt whatever that that was the proposed order appointing Mr. Richard Bethell to London.

774. That seems to be exactly the same length as the former; it says, "Fair "copy ditto," and the number of folios is six in each case. It looks as if you first of all prepared an order in blank, then put the name of Bethell into it, and then sent it back again and had it copied?—I cannot say what it refers to; it might have been something else.

775. The *Lord Advocate.*] Have you the order here?—No, those were the orders that were destroyed.

776. Mr. *Bovill.*] Under the head of the 27th of February there are both Mr. Richard Bethell's and Mr. Welch's names?—Yes.

777. So that the 27th would be the day when you made out the appointment for the transfer of Mr. Welch to London, and the appointment of Mr. Bethell to Leeds?—Precisely so.

778. And the appointment of Mr. Bethell to London was a week previously, about the 20th or 22d?—The 20th or 22d.

779. When you made the statement yesterday about those appointments having been engrossed, and mentioned the exceptions, were you aware that some information

formation had become known about those appointments having been made?—No; I was not at all aware of it.

780. The *Lord Advocate.*] Mr. Welch is still at Leeds, is he not?—He is still at Leeds.

781. And there has been no appointment made to the vacancy in London?—None.

782. You are aware, I suppose, generally, that a Committee of the House of Commons have recommended very extensive alterations in the Bankruptcy Court?—I am.

783. Which would probably have the effect of making it unnecessary to fill up that vacancy?—Yes; perhaps the Chairman will allow me to say that I think it is only justice to the Lord Chancellor on this subject to inform the Committee that when I asked for the appointment of Mr. Richard Bethell, and his Lordship proposed to consider the matter, he said, "Mr. Miller, of course this, "if it be done at all, can only be done upon terms," meaning, that in consequence of the Resolution of the House of Commons his Lordship would insert a clause in the order declaring that in the event of the office being abolished he, Mr. Richard Bethell, should not be entitled to claim any pension; I took the liberty of remonstrating upon that subject. I said, "It is rather hard, seeing the "way in which he has been deprived of his office."

784. Mr. *Bovill.*] When did that take place?—Upon the occasion of my first asking for the re-appointment of Mr. Richard Bethell.

785. The *Lord Advocate.*] On the occasion of your asking the Lord Chancellor to give Mr. Slingsby Bethell's place to Mr. Richard Bethell?—Yes; when I asked him to give Mr. Slingsby Bethell's place to Mr. Richard Bethell.

786. Mr. *Edward Egerton.*] What made you take so very great an interest in Mr. Richard Bethell?—Simply because I felt he had been forced to resign.

787. Can you give the Committee any reason for the great personal interest you seem to have shown in Mr. Richard Bethell?—I had a very strong opinion upon the subject of his resignation.

788. Do you not think that the fact of a man having lost a very large sum of money by betting at races, and borrowing money in every quarter, is itself a disqualification for holding a public office?—I should doubt that; I know there have been cases which have been passed over; as I said in my letter to the Lord Chancellor, there have been very bad cases passed over. Moreover, I contemplated, as the Committee will perceive from my letter of the 16th of May, an arrangement by Mr. Bethell with his creditors.

789. And you do not think it wrong in a public officer to have things of that sort occurring?—I think it very wrong indeed; still I was strongly of opinion that there was no legal ground for dismissing him from his office; there would have been, no doubt, if great neglect of duty could have been established.

790. You think that borrowing money in every quarter was not sufficient?—It is very bad, I admit, and very much to be deplored.

791. Colonel *Pennant.*] I see at page 24 of your evidence of yesterday, you say, after you had applied to the Lord Chancellor to reconsider his decision respecting the dismissal of Mr. Richard Bethell, "The Lord Chancellor acceded "to my request for delay"?—He did.

792. But just now, in relating the condition which the Lord Chancellor said he must impose, in the event of his appointing Mr. Richard Bethell, I thought I understood you to state that the Lord Chancellor said, "If I do appoint him, "I shall make that appointment subject to a condition"?—That he said in February last; my application to the Lord Chancellor to restore Mr. Richard Bethell was in February last, on Mr. Slingsby Bethell's going to the House of Lords. Then the Lord Chancellor made use of that observation; he said, "Mr. Miller, I will consider your application on behalf of my son, but if this "be done at all, it can only be done upon terms."

793. Did that give you the impression that there was still a hope?—Yes, a hope, and on the strength of that hope I prepared the order without any instruction from his Lordship.

794. Mr. *Edward Egerton.*] In question 461 you were asked whether Mr. Richard Bethell had a subordinate position to you in your office, and your answer was, "He acted for me;" in what way did he act for you?—All deeds of

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assignment, of composition, and of inspectorship, are registered in my office, and it is necessary to have a registrar acting there. He was the registrar appointed to act in that office for the Chief.

795. *Chairman.*] You mentioned in your evidence to-day, that from the 15th of May 1864, until February 1865, you had not seen Mr. Richard Bethell?—I had not.

796. But February 1865 was about the time when these proposed appointments were made out?—The first thing I saw or heard of Mr. Richard Bethell after Sunday the 15th of May 1864 was this letter, dated Friday, which must have been in March.

797. You had not had personal intercourse with him before you received that letter?—I had had none.

798. After that, had you personal intercourse with him?—I saw him one evening on the steps of the Throne in the House of Lords, and had a few words with him.

799. Did you have any conversation with him upon this subject, or upon matters in any way relating to it?—None.

800. Colonel *Pennant.*] I think you stated, also, that you had not been applied to by any other person on his behalf?—I had not.

801. Mr. *Vivian.*] What has become of Mr. Carrick?—Mr. Carrick is now an official assignee at Exeter.

802. What has become of Mr. George Young?—He is still an official assignee in the Leeds Court.

803. And of Mr. Templer?—He was suspended, and he was afterwards restored to his office of messenger.

804. At Leeds?—Yes; he paid all the sums that had been found to be due, and was then restored.

805. And of Mr. Needell?—Mr. Needell is still a messenger at Leeds.

806. Mr. *Evans.*] Does Mr. Payne receive the pension?—Mr. Payne receives the pension.

807. Mr. *Bovill.*] Can you tell me where Mr. Richard Bethell is now?—No, I do not know his present address.

808. Do you know whether he attends the Court at all?—If I wished to communicate with Mr. Bethell, I should send my letter to his solicitor.

809. Who is that?—Mr. Edwin Smith, in the Temple.

810. Does he attend at any office, or in any Court, or anywhere else now?—No, not that I am aware of.

811. When did you last see him?—I last saw him when he called at my office a few days ago.

812. When?—Within the last week.

813. Mr. *Edward Egerton.*] Since this Committee has been appointed?—Since this Committee has been appointed.

814. Mr. *Bovill.*] When was it; if it is within the last week it is easy to say?—I cannot fix the date; certainly it is within the last week.

815. If it is yesterday it is within the week, and if it is six days ago it is within the week?—It was certainly neither yesterday nor the day before; it was within a week of the present time.

816. You cannot tell us what day it was?—I cannot tell the particular day.

817. He called upon you, you say?—He called upon me.

818. How long before that was it since you had seen him?—I had only seen him on one occasion, on the steps of the Throne.

819. I thought you said he called upon you?—He called upon me within the last week.

820. Then I want to know when was the last occasion before that that you had seen him; how long before was it?—That I cannot say.

821. Can you tell me proximately, was it weeks or months?—I know certainly that I had not seen him before receiving the letter I have read, from Sunday, the 15th of May; I distinctly recollect his calling upon me on that Sunday, the 15th of May, for on that day he gave me his resignation, and dated it the previous day; I have it here.

822. I am upon this point now, whether you have seen him lately; it is the date I want; you say you have seen him within this last week, when he called upon you?—Yes.

823. My

823. My question is, how long was it before that when you had last seen him?—I cannot fix the date. *J. F. Miller*, Esq. 9 June 1865.

824. Was it weeks or days?—Much more.

825. Was it months; I only want somewhere about the date from you?—I could tell you if I could ascertain the day on which Lord Derby spoke in the Edmunds affair; it was that very night that I saw him upon the steps of the Throne.

826. You think it was the very night when Lord Derby moved for the Committee upon the Edmunds affair?—It was.

827. The *Lord Advocate.*] It was in March, I think, that Lord Derby made his speech?—Yes, I believe so.

828. Mr. *Bovill.*] You had not seen him from that time when Lord Derby made the motion in the House of Lords until the other day, within a week from this time, when he called upon you?—Exactly, not till he called upon me.

829. *Chairman.*] In No. 385, page 19, of your evidence of yesterday, you were asked whether the Lord Chancellor at once upon seeing the petition agreed to give the pension, and your answer is, "He did;" was anything further said between yourself and the Lord Chancellor with regard to the propriety of Mr. Wilde receiving a pension?—Nothing.

830. Nothing whatever?—Nothing whatever.

831. No reference was made to his conduct in his office?—No; the Lord Chancellor thought him a very unfit person to remain.

832. Nor was any question again raised as to granting a pension to Mr. Payne?—No.

833. Nothing was said as to the propriety or otherwise of Mr. Wilde's receiving a pension?—No, nothing.

Henry Sedgwicke Wilde, Esq., called in; and Examined.

Witness.] I DO not know whether I should be in order if I were to ask to be allowed to make a few observations before my examination is categorically conducted. I thought perhaps I might be allowed to make a statement after being sworn. *H. S. Wilde*, Esq.

Chairman.] You will not be examined on oath. In the course of the examination you will have an opportunity of stating any circumstances you wish to state. You had better postpone your observations until after the questions have commenced.

834. Mr. *Bovill.*] I believe I am expressing the view of the Committee when I say that they do not propose to enter minutely into the matters which were brought against you, or your explanations of them?—I should be very desirous indeed, now that I have this opportunity afforded me, of having the most minute examination entered into, if I might be allowed to press it.

Chairman.] The Committee are not going to enter into all the circumstances preceding your quitting your office. Certainly, you will be perfectly entitled to make observations, but I think you had better wait and hear the questions put to you before addressing yourself to the Committee.

835. Mr. *Bovill.*] When you first went to Leeds did you find Mr. Payne there as one of the registrars?—I did.

836. And had he been there for some time previously?—Yes.

837. At that time had you had any experience of the duties of a registrar?—As to matters of taxation, none.

838. You were appointed by Lord Truro, your uncle; is that so?—I was.

839. Were any directions given to you as to what you should do, or whom you should consult?—He told me, in reference to matters of taxation, that he placed me with a gentleman of great experience and sagacity, Mr. Payne, and that I could safely follow his advice upon the subject of taxation.

840. Did you, as far as possible, follow what had been the previous practice of Mr. Payne?—I did. My division of the Court was the junior division of the Court, and it was the practice of the Court to assimilate its practice as far

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as it could, making the practice of the junior division subservient to the practice of the senior division of that Court.

841. As regards certain allowances which were made, I believe the question arose as to what the allowances should be made; and a model bill was sent up to London to Mr. Lucas, the Taxing Master, as is shown in the papers; you can tell me that, without going into particulars?—Yes, we had an interview in the autumn of 1861, and the result of that interview was, that Mr. Payne thought it would be a wise course to take to have a model bill sketched out, and sent up to Mr. Lucas.

842. In London?—Yes, in London; he was the acknowledged directing officer in matters of taxation; to ask him to tax that bill, and at the same time to send us a letter with respect to the taxation.

843. From that time did you endeavour, as far as possible, to follow out the model bill in the taxation of costs?—I did.

844. As regards the messengers, whose bills came before you, had those gentlemen been for any time messengers of the Court?—More than 20 years.

845. Had you confidence in those gentlemen?—Not only I, but everybody connected with the establishment had the fullest confidence in them.

846. Had you any reason to suppose that any one of those gentlemen would have put forward as a payment a sum that he had not paid?—Certainly not.

847. The complaints and the written explanations you gave appear in the printed return?—Yes, in my letter of the 30th May.

848. A further paper, namely, a report, was sent to you on the 9th of June?—I understand Mr. Miller to say that he did send me a report of Mr. Commissioner Ayrton at that time. My impression is, that I never saw that report until I saw it printed in the papers which were laid before the Committee of the House of Commons; and it was always a matter of complaint with me that I had not a copy of Mr. Commissioner Ayrton's report sent to me.

849. *Chairman.*] What paper is it that you think you have not received?—This report of Mr. Commissioner Ayrton, which is referred to in the letter of the 9th of June:—"Dear Sir,—I send you copies of the report and examinations "as to the taxation of bills of costs in the Leeds Court." I never had that report, to the best of my belief. My only reason for saying "to the best of my belief" is, because I now see this letter, and I certainly remember, on one occasion, having an empty envelope sent to me to Leeds; that was somewhere about this time, and the same thing occurred to my colleague also.

850. Mr. *Bovill.*] Let me call your attention to the letter of the 26th of July 1864, on page 26?—I have it.

851. You remember the letter calling upon you within a week to send in your explanation, which is dated 24th of May?—Yes, I remember that letter.

852. Between the 24th of May and the 26th of July had you seen Mr. Miller at all?—No.

853. Had you received any letter from him, unless that letter of the 9th of June came, which you do not remember to have ever received?—None.

854. Subject to that, you had received no communication by word of mouth, or by letter?—Certainly not.

855. Unless the letter of the 9th of June arrived, which you do not remember?—Exactly.

856. Had you made any statement whatever to Mr. Miller as to your state of health?—Never.

857. Before you received the letter of the 26th of July 1864 had it ever occurred to you that you were in a state of health which rendered it necessary for you to retire, or desirable that you should retire?—Certainly not.

858. Was this the first suggestion you had heard of anything connected with your state of health?—Certainly.

859. Was there anything in your state of health at that time which at all interfered with the performance of your duties?—Yes; I must say that it had. For instance, at that time there was a great press of business put upon me, which involved the necessity of my doing it by candlelight. I was especially engaged in winding up old business, and it imposed upon me the necessity of taxing a great number of bills at night. I do not hesitate to say that I could not see at night, and I could not perform the duty which was obliged to be done

in

in the evening. I took home sometimes as many as 20 bills, and 30 bills at a time.

860. What were your usual hours of attendance in the office every day?—From nine o'clock till four, or half-past four; sometimes I used not to get home till six or seven o'clock; I was living at some distance in the country at that time; that was daily.

861. Did you continue to perform your duties, and these extra duties out of office hours down to the time, and at the time when you received this letter of the 26th of July?—Certainly.

862. Not having heard anything for several weeks until this letter came, what did you do upon the receipt of that letter?—Upon the receipt of that letter I saw Mr. Bond.

863. Who is Mr. Bond?—He is an eminent solicitor at Leeds; it was the best advice I could get under the circumstances.

864. You were called upon I see to reply in the course of post?—Yes, in course of post.

865. To state whether you would apply to be allowed to retire?—Yes.

866. You say you went to Mr. Bond?—Yes.

867. What happened next?—I went to Mr. Bond to ask him what, under the circumstances, I had better do; I do not hesitate to say, with regard to my own opinion, that the nature of the letter was such that it caused me the greatest alarm, and I doubted very much, indeed, what might be the result if I took the other alternative, suggested to me in that letter, of appearing to show cause why I should not be dismissed from my office before the judge who could direct such a letter to be addressed to me, considering in my own mind that that was a great abuse of judicial power; I had the greatest alarm lest I should meet with the same abuse of judicial arbitrament and justice if I dared to show cause before the judge who wrote me that letter; therefore, I thought the best thing I could do was to get advice as to the course I ought to adopt.

868. What did you determine to do?—I determined to avail myself of that which was suggested in the letter, namely, retiring under the 33d section of the Act. Having about nine months or 10 months before applied to Mr. Hey, and having about that time also met with an accident, namely, a fall from my horse, which, perhaps, contributed also to the increased derangement of my eyesight, I considered, under these circumstances, taking into account the jeopardy I was in, that I was entitled to seek to do that which I had apparently an opportunity offered to me of doing, namely, retiring under the 33d section of the Act of Parliament, although I must own, that in my own heart and mind, I felt conscious that I had been guilty of no dereliction of duty which could justify any judge in calling upon me for the resignation of my office.

869. Did you go to any medical man at Leeds?—Mr. Bond went to Mr. Hey.

870. The name is Hey, not Key, as it is printed?—It is Mr. Hey.

871. Mr. Bond went to Mr. Hey?—He went to Mr. Hey because I was in a great state of alarm in consequence of having been addressed according to the terms of the letter of the 26th July, that I was in course of post to make up my mind either to be allowed to resign my office, or show cause in open court why I should not be dismissed from the same. I therefore told Mr. Bond, as there was such extraordinary haste, I should be obliged to him to get me a certificate, and allow me forthwith to go up to London to see Mr. Miller, and to advise also with my relations in London.

872. Then did Mr. Bond obtain the certificate, or did you go and obtain it from Mr. Hey?—Mr. Bond got it for me, and I think Mr. Bond sent it up to London. I will not be quite positive about that. My impression is now that Mr. Bond did get it, and that he sent it up.

873. It is dated the 28th of July, and there is a letter of yours of that date saying, "Sir, I have been prevented delivering the certificate, but I have re-"quested Mr. Hubbard, of 18, Bucklersbury, to forward it to you. I requested "my cousin, Charles Wilde, to wait upon you. Please write me, Messrs. Wilde, "21, College-hill, solicitors"?—Yes, I am quite sure of this, that Mr. Bond did get it from Mr. Hey; but whether I took it up myself to London, or whether he forwarded it I cannot at the present moment fix my memory.

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874. When you came to London, did you go to Mr. Miller or not?—I went to Mr. Miller on the 30th.

875. Was that the first time you had seen him?—That was the first time I saw him.

876. Upon this matter?—Yes; but I had had correspondence with him; he had sent to me the petition and affidavit.

877. Upon what day did he send you the petition and affidavit?—I think it was on the 29th.

878. It was with a letter, dated the 28th, I think, which has been put in?—That was the date, I think.

879. The note is this: "I have your note and medical certificate, and if you "will sign the enclosed petition, and swear to it before any Commissioner for tak- "ing affidavits, and send it to my house, No. 26, St. Stephen's-square, this even- "ing, I will endeavour to get the Lord Chancellor to make the order to-morrow "morning;" is that the letter which accompanied the petition?—That was the letter that accompanied the petition.

880. Up to the time of receiving that letter, had you seen Mr. Miller at all upon the subject of this letter of his of the 26th of July, which called upon you to retire?—No; I saw Mr. Miller on the 30th, and I went to him in order, as far as I could be enabled to do so, to get an explanation, and I said to him, "Mr. Miller, to what am I to attribute this unprecedented severity at the hands "of the Lord Chancellor?" He said to me, "It is on account of your carelessly "taxing the messengers' bills."

881. When you received the petition, was it in the form or not in which you signed it. You will find it set out in pages 26 and 27?—Yes; it was in the form set out; it was engrossed.

882. It came to you ready for signature?—Yes.

883. Had you anything to do with putting in the grounds upon which you were desirous of retiring, as stated in that petition?—No.

884. Now, as regards the affidavit. Who prepared that affidavit, do you know?—That was prepared also in the office of the Chief Registrar, Mr. Miller.

885. And was sent to you with the petition ready engrossed?—Yes, ready engrossed.

886. Accompanied by that letter of the 28th of July?—Yes; my conviction of that is made the more clear, because upon my receiving the letter of the 26th of July, my colleague, Mr. Payne, told me that he had received a similar petition and affidavit. The day that I received this letter of the 27th, I think I went to his house at Altofts, and had an interview with him on the 27th.

887. Do I understand you to say that Mr. Payne had received the petition on the 27th of July?—Yes, the same day as myself. My belief is, he said he had the petition and accompanying affidavit, and had sent them up to London by that night's post.

888. There is a letter set forth in the Correspondence, on page 27, of the 30th of July, "Not having heard from you, I propose returning to Leeds this after- "noon, unless otherwise instructed by you; thanking you for the expression of "your sympathy in the misfortune which has overtaken me,—I remain, &c.— "H. S. Wilde."—Do you remember writing that letter?—Yes.

889. Did you receive another letter of the 30th July, "I am very glad indeed "to be able to inform you," &c. (*reads the letter*)?—Yes, I received that letter.

890. Then Saturday evening, I do not know what date that would be, there is another letter, "There is no occasion for your going again down to Leeds," &c. (*reads the letter*). You received the order?—Yes, I received that letter. There was no order then, but the order was subsequently forwarded. I was kept in London the whole of that day, in great anxiety, as to what was to be the ultimate issue, and I thought it was very extraordinary, considering what my own conscience told me I had done, that I was not allowed to hold my office even for 24 hours, but that I was told to remain in town till seven or eight o'clock at night, and I was sent back by the mail train, being obliged to travel all night to reach home. I said to Mr. Miller, "Pray "let me go back to Leeds, and allow me to settle important business that "I ought to attend to, commenced by me;" but I do not hesitate to say, that the office was rested from me that night, and that I was sent back with all the presumptive

presumptive blame attached to me, that I was not fit to be intrusted to hold the office for 24 hours, while my colleague, Mr. Payne, was allowed to hold his three months continuously afterwards.

891. Have you a letter from Mr. West to you?—Yes.

892. What is the date of it?—The 29th of July 1864.

893. The *Lord Advocate.*] I understand from you, that the letter of the 26th of July 1864 took you by surprise?—Yes, very much by surprise.

894. It tells you two things; that unless Mr. Miller hears in the course of post that you mean to apply to be allowed to retire, there are instructions from the Lord Chancellor to give you notice to appear publicly in open court, and show cause why you should not be dismissed from your office of registrar; that surprised you?—Exceedingly, and alarmed me also.

895. Then there was a suggestion in the second part of it, that your state of health was such that you could have no difficulty in obtaining your certificate; that also surprised you?—Yes, coming from the quarter it did.

896. You were not aware that your state of health was such as to entitle you to retire?—I was not aware that parties who suggested to me that that was the fact, were in knowledge of such fact, although I knew I might under the Act of Parliament, under the 33d section, have such privilege reserved to me.

897. You did not know that Mr. Miller was in knowledge of the fact?—No.

898. Was that the first indication you had, that the Lord Chancellor might think it necessary to require you to appear publicly in open court, and show cause why you should not be dismissed?—No, there had been a letter previously.

899. As far back as May, I think?—Yes.

900. Therefore it was not the first time that you had had such an idea suggested to you?—No.

901. I think on page 19 there is a letter of the 24th of May—"I am directed "by the Lord Chancellor to request that you will within one week from this day "put Mr. Commissioner Ayrton in possession of the explanation called for by my "letter of the 16th instant, otherwise you will be served with notice to appear and "show cause in open court why you should not be dismissed from your office of "registrar"?—Yes, on the 30th of May, upon receiving that letter, I sent in my explanation, and as I had no reply, and no notice either from the chief secretary, or from his Lordship, to the contrary, I had very good reason to believe from that silence, that, at any rate, my statement was received favourably, and was to a certain extent exculpatory, and found satisfactory.

902. I understand you to say that you never received the letter of the 9th of June 1864, when Mr. Miller sent to you copies of the reports and examinations as to the taxations of bills of costs?—No; and if I had received that report, it would not have been conclusive to my mind that the judicial mind of the Lord Chancellor would be directed by such a report so to treat me.

903. Do you tell me absolutely that you never did receive that letter of the 9th of June?—To the best of my belief, I did not.

904. Were you in constant communication with Mr. Payne?—I should think so. I do not know what "constant" means.

905. Did you never know from Mr. Payne that Mr. Ayrton had made a report on the subject of taxation of costs?—That I could not state exactly; I think it is very possible that I might have.

906. Before you got this letter of the 26th of July, had you never seen that report of Mr. Ayrton's?—No.

907. Nor heard of it?—No.

908. Do you mean that Mr. Payne never mentioned it to you?—He told me that Mr. Ayrton had made a report, but that he had never seen a copy of it, and I know he has made that a subject of substantive complaint to the Chancellor; that he was taken by surprise, that report being sent behind his back, which he never had had an opportunity of answering, and he prayed the Lord Chancellor that he might have an opportunity of answering that report, those letters being now in the possession of the chief secretary; indeed I have a copy of them in my bag.

909. When you received the letter of the 26th of July, you knew Mr. Ayrton had made a report which had not been communicated to you?—Yes.

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910. Why did you not say so?—To whom.

911. In reply to that letter?—Because I did not think it would be any answer to the letter of the 26th July, to say that I had received no report from Mr. Ayrton.

912. You knew quite well that Mr. Ayrton had made a report on your conduct?—Yes.

913. And a report on Mr. Payne's conduct?—Yes.

914. You say you had not received that report, but you must have been aware that the Chancellor had received it; and now I ask you why in that correspondence do you never allude to the fact that you had not seen Mr. Ayrton's report?—I say again advisedly, that I think that that would be no reply to such a letter as that.

915. How did you know that?—In my own mind I decided that it would be no reply to such a letter, to say simply there had been a report by Mr. Commissioner Ayrton, and that I had not seen it.

916. You were allowed to appear in open court and show cause why you should not be dismissed. Do you mean to say you did not believe that you would have justice done?—Yes; most undoubtedly.

917. Will you state your reason?—Because I believe that the Judge who would so abuse judicial power as to direct such a letter to be addressed to me, would also be guilty of prostitution of public justice, if I had determined to show cause before him.

918. Be kind enough to say what the abuse of judicial power is?—The inquiry and reports made judicial and slow progression; a month almost between each examination, but when apparently the case was concluded and perfect against the accused, the course of practice was different. I was "immediately" ordered to reply to the letters charging me with alleged offences, which had taken from February to be perfected; I was "immediately" to reply to such letters, and upon the 26th of July I was in "course of post" to make up my mind to do what? not to answer the charges against me, but why I should not be "dismissed from my office," showing to my mind that the Judge who wrote that letter, or rather directed it to be written, had prejudged my case; and if there is one opinion more general in Westminster Hall than another, it is this, that when Lord Westbury entertains an opinion, it is very difficult indeed to remove the impression of that opinion.

919. That was the reason why you did not say to Mr. Miller that you understood there was a report from Mr. Ayrton, and that you had never seen it?—Yes, to have said so would have been futile.

920. That is also the reason why you did not say, "You are rather short upon "me; I should like a little more time"?—Yes; and also that I think it would be no reply to such a letter, and would have been useless.

921. That was also the reason why you preferred retiring, considering your state of health, to appearing in open court?—Certainly, and that was the advice of my friends; the best I could get. If I had followed my own advice, I would have defied the Chancellor.

922. Your state of health, however, was such, in your opinion, that you could with good conscience, sign the affidavit which you did sign?—Yes.

923. You made no remonstrance, I think, in writing to Mr. Miller, of any kind or description?—I do not hesitate to say that I concluded that all remonstrance was hopeless when such a letter was written to me.

924. In point of fact you made none?—No.

925. You wrote the letter of the 28th of July, simply sending the certificate?—Yes.

926. Asking Mr. Hubbard and Mr. Charles Wilde to forward the certificate, and Mr. Charles Wilde to wait upon Mr. Miller?—Yes.

927. Did you write to Mr. Charles Wilde by the same post?—No.

928. Did you see him?—I think not.

929. Did you make the request of your cousin, Mr. Wilde, by word of mouth?—I am not able to state whether it was by letter, or personal interview that I asked him to wait upon Mr. Miller, and ask for an explanation of the extraordinary conduct I thought I had received at his hands.

930. You do not say anything about that in your former letter; where was it you saw Mr. Miller?—At Basinghall-street.

931. Did

931. Did you write this letter of the 28th of July from College-hill?—I should say that I wrote that from Leeds on the very day I left.

932. So I thought; but you say in the letter that you had requested your cousin to wait upon Mr. Miller. I want to know whether Charles Wilde was in Leeds?—No, he was not.

933. Then you must have written to him?—If you conclude that I must have done so, I will believe it; I am very uncertain as to the fact.

934. If Mr. Charles Wilde was not in Leeds, you must have communicated with him in some way or other?—Yes, I believe I wrote to him.

935. How did you communicate with him?—If I was in Leeds I should have communicated with him, to the best of my belief, by letter.

936. Have you any doubt that you did write to him?—I could not swear, but I should think it is most likely, considering the position I was in at Leeds, that I did write to him.

937. You went to London the day after, on the 29th?—Yes.

938. And there you wrote, sending the petition which you had already received?—Yes.

939. Where did you get the petition; at Leeds?—No; in London.

940. At Mr. Charles Wilde's, or where?—Whether I got it at Mr. Charles Wilde's, or at Mr. Hubbard's, I could not say. When I came up to London, in the first instance, I went to Mr. Hubbard's office, the solicitor acting for me at the time, but whether I received the petition there or at College-hill, I am doubtful; I believe it was at Mr. Hubbard's.

941. Is this statement in the petition true, "That your petitioner has for "some time past been afflicted with a failure in his sight, and that the same has "now become so serious, that he is no longer able, satisfactorily, to perform the "duties of his office"?—Yes.

942. I understand your surprise with reference to the letter of the 26th of July was not with regard to the fact of your being afflicted with a failure in your sight so serious that you could not perform your duties, but the fact that Mr. Miller was aware of it?—Yes, certainly.

943. You write on the 30th of July 1864, thanking Mr. Miller for the expression of his sympathy in the misfortune which had undertaken you?—Yes.

944. To what did that allude?—That alluded to some letter in which he had expressed sympathy for the misfortune in which I was placed, or what he had said.

945. What letter was that?—I could not say, I am sure; it may have been in a letter, I suppose, in which that sympathy is expressed, or possibly it might have been after I had seen him, because I saw him on the afternoon of the 30th of July, when he did express sympathy.

946. Mr. *Bovill.*] Was there anything in your state of health that would have led you to retire but for receiving that peremptory letter of the 26th of July?—Certainly not; but Mr. Hey had told me that a little relaxation would do me a great deal of good, and I have found since I have left my office that that good has been done me; but certainly I should have continued my work in the office, and if it had been necessary I should have applied for that relaxation which had been recommended me. I have done my duty, and I hope the Committee will enter into the question as to whether I have done it to the satisfaction of the public; I believe I have done so. I left the court with an expression of the confidence of the head of it, and I believe I enjoyed it at the hands of the public, represented by the profession; and I should be very sorry if the Committee do not make that a matter of very minute investigation.

947. How would you reconcile that statement with what you say in your petition, that you had for some time past been afflicted with a failure in your sight, and that it has now become so serious that you are no longer able to perform satisfactorily the duties of your office?—If I had had work to execute at night, I do not hesitate to say that I could not have performed it; that I should not have been able to have continued; I have had as many as 20 bills to do by candlelight, and I could not do it. I may state that sometimes, when I have gone from Mr. Hey's steps, I have had difficulty to find my way down.

948. And yet it has never occurred to you to make any claim for retiring?—I did not do so; Mr. Hey suggested to me that I should get relaxation, but I did not find the inconvenience so great as to induce me to do so.

 949. *Chairman.*]

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949. *Chairman.*] Mr. Hey did suggest?—Yes, he did.

950. Colonel *Pennant.*] When was that?—Some time before.

951. Mr. *Edward Egerton.*] Mr. Miller told us that he had heard you had been in bad health for some time; did you see Mr. Miller?—To the best of my belief I had not seen Mr. Miller for many months previous.

952. Then how did it come to the knowledge of Mr. Miller?—I do not think such a fact could have come to his knowledge. I am sorry to say that the feelings between us were such that we were rather in a state of alienation. The course of conduct that I had received at the hands of Mr. Miller, was so imperious, that I do not hesitate to say that our correspondence had been reduced at that time to "yours obediently."

953. The *Lord Advocate.*] I want you to recollect when it was that Mr. Hey gave you the advice you speak about?—I do not exactly know the time, but it was at one of the interviews I had with him. I hope I may be allowed to say this, that I have received great disparagement at the hands, generally, of many friends, on account of the very equivocal position in which I stand. It has been said by many of my friends that in adopting the alternative that had been put before me, I ought to have used reticence. I beg to say, in regard to the proceedings which have taken place in the House of Commons, that I was in no way a party in instructing Mr. Ferrand in taking the steps he did when that motion was made in the House. I may state that I saw he had made a misstatement, and I thought it was my duty to the Chancellor, and the officials, seeing that the statement was in disparagement of them, and not correct, to rectify that mistake. I supplied that rectification of the statement which was erroneous, and that was the only interview that I had, otherwise Mr. Ferrand was unknown to me at that time.

954. What was the statement that you conceived to be incorrect?—With regard to my having a letter from the Lord Chancellor requesting me to resign, that I refused, and that then I received a letter offering me a pension.

955. *Chairman.*] Look at page 22; I understand you to distinctly state that you never received that letter of the 9th of June, introducing that document referred to?—To the best of my belief, never.

956. Had you been in communication with Mr. Payne between the 9th of June and the 26th of July?—Certainly.

957. Are you aware whether he received a letter similar to that?—Yes; similar to the 26th of July.

958. Similar to the 9th of June?—That I could not say.

959. You had communicated with Mr. Payne upon the subject?—Yes; there was an empty cover sent to the court, and Mr. Payne returned it; I did not return mine; what was in it I do not know, but I know as a fact that an empty envelope was sent, and that it was returned.

960. What do you mean by an empty envelope?—An envelope directed to the court intending to contain something, but when you opened it nothing was in it.

961. An empty envelope?—Yes.

962. Directed to you?—Yes; one was directed to me, and one to Mr. Payne, and Mr. Payne returned his.

963. The *Lord Advocate.*] When you found that Mr. Ayrton had made a report, a copy of which you had not got, did it not occur to you that it was meant to be sent in that envelope?—No.

964. You never made that inquiry?—No; I do not know whether it was at the time that the report was to have been sent.

965. Colonel *Pennant.*] Did the envelope bear upon it any indication of the court from which it came?—No.

966. Were you not aware from whence that envelope came?—I knew it came from the Bankruptcy Court.

967. I think you said you returned it?—No; I think Mr. Payne returned it.

968. Do you know whether he asked for any explanation of it?—No.

969. You were aware that it came from the Bankruptcy Court?—Yes.

970. Did you write any note calling their attention to it, and saying that you had received it?—No; I had plenty to do, because at that time the whole business of the district was thrown on my hands, and if an empty envelope of that sort had been sent to me, I should conclude from the fact of Mr. Payne returning his

that

that there was nothing of importance to be communicated to me; if there had been it would have been communicated to me. I heard no more of it.

971. *Chairman.*] You believe that Mr. Payne did send up his?—Yes.

972. Was it sealed?—I think not. I think there was quite sufficient evidence upon the envelope to indicate that it did come from the Bankruptcy Court.

973. Mr. *Edward Egerton.*] I thought you said just now, that you had not seen Mr. Miller at all in the course of the summer; will you turn to page 7 of the evidence. Mr. Miller says there, that he was quite certain he saw you between the 9th of June and the 26th of July. He is asked, "Are you sure you "saw him at all between the 9th of June and the 26th of July." He says, "Certainly." Then he is asked again, "You are quite certain that you saw "him between the 9th of June, when you sent the first report, and the 26th of "July?" He says, "I have a distinct recollection that he called upon me shortly "before the 26th of July." Then question 141 is, "Can you tell me any state-"ment that he made at all with reference to his health; can you say that he made "any statement about his health at that time?" He says, "Yes, he told me he "had been very unwell, and his sight had been seriously affected." How do you reconcile that with what you have just stated. You stated just now that you had not seen Mr. Miller, and that you had made no statement to him about your health?—Certainly, I never had. I most positively assert that I never made any such statement.

974. Look at that evidence which has been given by Mr. Miller. He states positively that he saw you, and that you told him you had been very unwell, and that your sight had been seriously affected.

975. The *Lord Advocate.*] Had you been in London in the interval?—To the best of my belief I had not been in London for months; it has taken me quite by surprise.

976. Mr. *Edward Egerton.*] We want to give you an opportunity of explaining that statement. Your evidence is directly opposed to that which has been given by Mr. Miller, because he says he saw you between the 9th of June and the 26th of July, and that you stated to him your complaints about your health?—That would be in the same month that I received that threatening letter.

977. Yes?—To the best of my belief I was not in London at all in July 1864; I mean previous to the 26th.

978. The *Lord Advocate.*] Are you certain that you were not in London during the four or five weeks preceding the 26th?—To the best of my belief I was not; I will assert that I do not think I was in London during the whole of the month of July 1864; that is, previous to the 26th of July.

979. Mr. *Henry Hussey Vivian.*] Were you in London in June?—I think not. I do not hesitate to say that I had great reluctance in going to the chief secretary's office. I should not have gone there unless it were a most imperative duty that called me to go there; and all the work I wanted done through the office I always got my senior colleague, Mr. Payne, to do.

980. Mr. *Edward Egerton.*] You feel certain that you had no conversation with Mr. Miller upon the state of your health?—Yes.

981. The *Lord Advocate.*] You had got an empty envelope which purported to come from the Bankruptcy Court, and Mr. Payne had also got an empty envelope, and you compared notes about it?—I do not say that we compared notes.

982. You spoke about the fact?—I remember his mentioning to me that he had received such a thing.

983. And you knew also at that period that Mr. Ayrton had made a report that had not been sent to you; you have already told me that?—Yes.

984. But you never took any notice of that fact; you never told Mr. Miller that an empty envelope had come to you from the Bankruptcy Office, and that Mr. Payne had had another?—My colleague did, and I consider that if anything of importance had been enclosed in the envelope, it would have been communicated to me.

985. There was an inquiry going on about your conduct at the time?—We have a great number of envelopes sent to us.

986. From the Bankruptcy Court?—Yes; containing various orders, &c.

987. But this contained nothing?—No, it did not.

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988. An investigation being carried on regarding your conduct, I should have thought the fact of receiving an empty envelope would have put you upon inquiry?—I cannot say that it did; I thought that if it were of importance I should have had the intended contents forwarded to me.

989. Colonel *Pennant*.] Do you keep any diary?—I have not kept it regularly; my private one.

Edward Bond, Esq., called in; and Examined.

E. Bond, Esq.

990. Mr. *Bovill*.] ARE you a solicitor at Leeds?—I am.

991. Do you recollect any time in the year 1864, Mr. Wilde, the late Registrar of the Bankruptcy Court there, calling upon you?—I remember it quite well.

992. State the date, and what occurred?—The date I dare not state from my own recollection, but Mr. Hey's certificate gives it; it was on the 28th of July; Mr. Wilde showed me a letter from Mr. Miller, dated the day next but one before, if I recollect right, the 26th July, and I read it at his request; he said it had frightened him a good deal, or that it had "put him a good deal out of "the way," I think was his expression; he asked me to give him my opinion about it; I hesitated for a moment, as it came upon me unawares, and I told him that I thought the better way would be for him to go to London and consult his relative, Sir James Wilde. I think I said "I do not think you have much to "consult him about; it seems to me it is a foregone conclusion; they do not mean "to give you an alternative; they want your place; perhaps you will be better "off with your pension if they will give it you," or something of that sort. I did not think that I should be asked about this, therefore I am speaking from the merest recollection; I then, I think, asked him, having looked at the letter again or the latter part of it, "Well, have you had any medical advice; have you had "any occasion for medical advice?" or something of that sort; and he said "Yes." and he added that Mr. Hey had attended him for some affection, I am not quite sure whether of the eye or eyes, but something affecting his vision; he said rather abruptly. "Do you know him?" I said "Yes, he lives opposite," pointing out of the window; he said, "It has upset me," or something of that sort, "will you go "across and see him, and see whether he can give me a certificate." I did go, and I got the certificate which is in the return. Mr. Hey made some observation, I think, to the effect, "That is as much as I can do for you," and I jocularly said in answer, "I dare say it will do; half a certificate will be enough on this "occasion;" I might be wrong; I drew my conclusion in a moment, because I had not the least doubt what was meant; it was all done in a few minutes, because Mr. Wilde had to go, I think, by the 10 o'clock train to London.

993. What did you do with the certificate?—I gave it to Mr. Wilde, and he went away with it.

994. By the morning train?—Yes, by an immediate train, because he was up in London in the afternoon. I think I said to him something of this sort, "I "may be wrong, you had better ask somebody else besides." He asked me if I would telegraph to Mr. Miller I did so, and I have the telegraph here; I know that I studiously avoided saying anything about resignation, because I thought I would leave it to the judgment of those he consulted; this is a copy of the telegram in my own handwriting; I sent it in his name, "I am on my "way to town with certificate; will see you in the morning."

995. You had nothing more to do with that part of the business; Mr. Wilde had gone to London?—I do not think I heard any more of it until everybody heard of it when it was in the newspapers.

996. You became aware of it when Mr. Welch came down?—I knew it, I think, before Mr. Welch came down; the first I heard of Mr. Welch's name was, that a Mr. Welch had come, therefore I must have heard that Mr. Wilde was out before I heard that Mr. Welch was in.

997. That was in July?—Yes, or in the very beginning of August.

998. I will now take you to the end of the year; had you any communication with Mr. Welch, with reference to Mr. Bethell or any other person?—In the end of the year 1864, I think a little before Christmas (I had become acquainted with Mr.

Mr. Welch, of course, practising a good deal in the Court), and he spoke to me about Mr. Bethell.

999. Be kind enough to state what occurred?—Mr. Welch asked me whether I knew a Mr. Spirett (he is a person residing in Leeds); I said, "Yes, I do, very "well;" then I think he said, "Have you any influence over him?" or "Can you "get at him?" or something of that sort. I said "Yes, I have done business for "him; he has a son an attorney, and of course I do not do his business now, but I "know him very well; what do you want?" he said "Mr. Richard Bethell is a "great friend of mine, and Spirett has outlawed him upon a bill," or "is outlaw-"ing him upon a bill, and he wants to get at him to stop him." I said, "Why? or "what for?" and he said "Well, there is some vacancy, I do not quite understand "it, about to take place in the House of Lords, and the Chancellor is willing to ap-"point Mr. Bethell if he can be got back into the country, or can return to Eng-"land." Of course I cannot bind myself to the exact words, but the substance of it, I am quite sure, I am telling you; he went on to say (I think more than one office was spoken of) that the salaries were very high, and that Mr. Bethell would be willing to set apart a portion of the salary (I think 1,400 *l.* a year was named) to pay his debts, and that was to be the inducement to Spirett and the other creditors to accept the arrangement.

1000. The *Lord Advocate.*] Mr. Welch said that to you?—He asked me to convey that to Spirett; I think he said the salary or salaries were 2,500 *l.* a year, and that Mr. Bethell would put aside 1,400 *l.* for his creditors.

1001. Mr. *Bovill.*] Did he ask you to get Spirett to publish anything?—He gave me a paper, I believe (I had not the curiosity to read it, or if I did, I have forgotten its contents), asking me to get Spirett to sign it; a lithographed paper, consenting to these terms; he also gave me the draft of a letter, and though I did not know Mr. Bethell's handwriting then, I do now, and I believe it was his handwriting which Mr. Welch asked me to get published, in consequence of something which appeared in the "Times" about Mr. Bethell being outlawed; the effect of it was that Mr. Spirett agreed to his outlawry being reversed; I am not quite certain of Mr. Bethell's handwriting, because I did not know it then.

1002. Have you seen it since, and do you believe it to be Mr. Bethell's writing?—Yes.

1003. Have you got the paper?—No.

1004. The *Lord Advocate.*] Where did you see it last?—I left it with Mr. Spirett, to the best of my recollection.

1005. You said you saw it, and knew it to be his handwriting?—No; I said I did not know it then; but I had become acquainted with it since.

1006. From recollection, you think that that paper is in the same handwriting?—Yes, I do; I wish to guard myself, because I do not dare say that it was his handwriting.

1007. Mr. *Bovill.*] What did you then do?—I went to Mr. Spirett and gave him the papers; he readily consented, and said that setting aside 1,400 *l.* a year was the best thing that could be expected for the creditors; and he said he would do it on certain terms, the payment of some costs, and some other trifling concession he wanted; I am not quite sure what it was. I went back to Mr. Welch, and told him what I had done; that is about the history, as well as I can remember, of the transaction; that, I think, was a little before Christmas, because I have a note here from Mr. Richard Bethell, dated the 14th of January, and that came, I think, two or three weeks afterwards; that is the best guide I have.

1008. Have you got that letter?—Yes.

1009. I believe the outlawry was reversed?—I cannot speak to that of my own knowledge, but I believe it was, because Mr. Bethell came. The letter is dated January 14th, "Beaumont Manor, Hoddesden.—Sir, I beg to return you "my best thanks for the kind assistance which my friend Mr. Welch tells me you "rendered me lately; and if upon any future occasion I can be of any service to "you in return, I trust you will not scruple to avail yourself of my offer. I re-"main, sir, yours faithfully, Richard Bethell."

1010. That was a letter of thanks from Mr. Bethell. Did Mr. Welch say anything further to you?—I think he had said, before that, that Mr. Bethell was very much obliged to me, and would write to me; at all events he expressed, at second hand, Mr. Bethell's thanks for what I had done.

 1011. What

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1011. What was the next thing that occurred?—I do not think anything else occurred, until I saw in the newspapers that Mr. Slingsby Bethell, and not Mr. Richard Bethell, was appointed to the offices in the House of Lords.

1012. What was the date of that?—The 17th of February; I took the trouble to look at the newspapers.

1013. After seeing that, did you see Mr. Welch?—I think Spirett told me about it, or his son, and he said, "How is this?" I said, "I cannot tell you;" and then I mentioned it to Mr. Welch. The explanation he gave of it was, that if Mr. Richard Bethell, the eldest son, had been appointed, and he became Lord Westbury, he would vacate the office or offices; but if Mr. Slingsby Bethell were appointed, he being the second son, the offices would not be vacated. That was the explanation that was given to me, and I thought it a plausible and probable reason, and I accepted it as the true one; and I think I told Spirett so.

1014. Was anything said as to the creditors?—Yes, by Mr. Bethell, afterwards; it was said that it should make no difference to the creditors; I think Mr. Bethell said it himself, on the 24th of February. I am not quite sure whether it was said before or afterwards; but I think it was said by Mr. Bethell himself.

1015. Do you remember whether Mr. Welch remained at Leeds?—I had a cause trying in London, arising out of a bankruptcy, and I applied for my clerk to be allowed to take the proceedings to London, to save the expense of sending a witness. Mr. Welch said he was going himself, so I do happen to know that he was in London about that time. I do not know the exact day he went, or the exact day he came back; but my clerk knows all about it, because he saw him every day.

1016. About what time would it be?—I believe he went about the 15th or 16th of February. Unless he was down for some particular day's sitting, I believe he returned to Leeds about the 22d, and Mr. Bethell came on the 23d; I saw him on the 24th.

1017. On the 24th you saw Mr. Bethell?—Yes.

1018. Where?—At the Court of Bankruptcy at Leeds. I was engaged in examining a witness before Mr. Welch, and a gentleman came in and sat down to write a letter, or something. It struck me, at the time, that I had seen him before, but I was not certain about it. We went on to a certain point, when Mr. Welch said, "Can you stop at this point for a few minutes?" I said "Yes, if you wish "it." He then took me in his own private room, and introduced me to Mr. Bethell, the gentleman whom I had seen sitting at table. That was certainly the first time I ever was introduced to Mr. Bethell; but I still think I had seen him before.

1019. What occurred in the private room?—I think Mr. Bethell first repeated the acknowledgements which he had written to me for what I had done with Spirett, and he then said, "Do you know Mr. Scholefield?" I said, "Do you "mean the solicitor?" He said, "Yes, he holds another bill of mine; will you go "with me, and try and make an arrangement with him?" I said, "You see I am "engaged in examining a witness; I cannot go now, but I do not mind going "by-and-by, or I will send a clerk with you now." He preferred that I should send a clerk with him to show him the way to Mr. Scholefield's office.

1020. Before Mr. Bethell left, did he say anything to you in Mr. Welch's presence as to any other matter?—Yes, he did. He said, "I am coming to live "in this neighbourhood, and I should not like to have an adverse creditor, and "I am very anxious to settle with Mr. Scholefield," or something of that sort. He then turned round rather abruptly, and said, "I have always promised "Welch, who is an old friend of mine, to get him removed to London, and "now I have done it. I am coming down here to replace him, and he is "going to London; do you think you can find me a house." I said, "Oh, yes, "there are houses enough to be had; I am looking out for one for myself." He said, "Ah, but I want a furnished house." I said, "No, I think not; people "do not let their houses furnished here; the only place you are likely to get that "is at Harrowgate." He then said, "How far is that off"? I said, "About an "hour." And he said that would do very well. He then said the two offices were to be exchanged. I thought at the time he was still a London registrar; that Mr. Welch was to go to London, and that Mr. Bethell was to succeed him at Leeds. He was to come on the following Friday, and Mr. Welch was to leave on the Monday after that.

1021. Did

1021. Did he say anything upon the subject of the Lord Chancellor?—He said he was reconciled to his father; he had in his hands some papers; he said that his father had given him a cheque for 1,000 *l.* on the previous day. I believe the cheque was in his hand, but I did not read it; he had a paper in his hand which looked like a cheque; he had another paper in his hand, and he pointed to it with his finger, saying, "You see, I have a lot of creditors;" there were a number of names with "100 *l.*," "50 *l.*," and so on, figured against them, making up to 1,000 *l* He said, "That is the way I am going to deal with my creditors: "100 *l.* interest to A, 50 *l.* to B," and so on. He had the list of names written down, and I observed he had got Mr. Scholefield down for, I think, 50 *l.*

1022. What was the next occasion of your seeing Mr. Bethell?—I saw him again in about an hour, or a couple of hours, before I left the place; he came back again, and I remember his making a jocular remark, saying that he had got off without paying the 50 *l.* to Mr. Scholefield, and he then turned to me and said, "Scholefield has been making a proposal to me, which I think is a better one than "my own, and that is, that so much a year as I lay by should be turned into a "large insurance on my life, against my father's, so that, if I become Lord West-"bury, they will get paid, and if I do not, they will still get paid."

1023. When was the next time you saw Mr. Bethell?—I saw him on the following morning.

1024. That was the 25th?—Yes; I was walking down the street, and I met Mr. Welch, as I supposed (and it turned out to be the fact), coming from the Great Northern Station in his pony chaise. I supposed he had put Mr. Bethell down there; and Mr. Bethell had told me on the preceding day that he was to be Mr. Ayrton's registrar, and not Mr. West's. I had occasion to go to the Great Northern Station, and I found Mr. Bethell there, and I said to him, "I "think you will be much more comfortable as Mr. West's registrar." He said, "I have seen Welch's house; it will not suit me at all, and you must look out "for one for me." That is the history of the matter, as far as I know of it, and I have not seen him since, or heard from him.

1025. Was anything said about whether it was to be a furnished house or not?—I have already stated that he said it must be a furnished house, because he said, "I do not mean to stop here long."

1026. Do you know what day of the month it was that Mr. Bethell was to come?—It would be the 3d of March.

1027. What was to have happened on the 3d of March?—Mr. Bethell was to come to be registrar, as I understood, both from him and Mr. Welch. I was engaged still with going on with the business I had in the other room, therefore I cannot speak to what passed elsewhere; but I understood from both of them that Mr. Bethell was to come on Friday, which would be the 3d of March, and that Mr. Welch was to leave on the following Monday; and that is confirmed by the fact of Mr. Welch and I sitting down and doing some work, with the notion that it was to be the last thing we should do. He finished a large taxation for me on the 2d of March, and here is the allocatur for it. I quite understood at the time that that was to be the last time I should meet him officially.

1028. And that Mr. Bethell would be there the next day?—So I understood.

1029. I will ask you this question. During the whole time Mr. Welch has been there, what has been the general nature of his health?—He always seemed to be an ailing man; he has complained to me over and over again that he was not fit to get through the duties imposed upon him, which are not very heavy. I would undertake to perform the duties (except taxing costs) in two hours a day, that is, supposing I worked six days in the week.

1030. Mr. *Edward Egerton.*] Is there any necessity for night work?—Not the slightest.

1031. Mr. *Bovill.*] Did he say what his ailments arose from?—I think he said that they arose from an old illness (scarlet fever, I believe he said); and he also said that he should never have applied for office if it had not been that he felt he was too weak to fight his way at the bar.

1032. Colonel *Pennant.*] Do you mean physically weak?—I understood it was the remains of an old illness; I did not know Mr. Welch previously.

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1033. The *Lord Advocate.*] Were you the ordinary legal adviser of Mr. Wilde?—No; I had never advised him in my life before.

1034. Until he came to you on that occasion?—Certainly not, and not then as his legal adviser; I made him no charge, neither did I think of such a thing. Whether he has ever consulted me as a friend I really do not know; I never was in his house in my life, neither has he been in mine. He may have asked my opinion, but never as his legal adviser.

1035. You were quite aware that an inquiry had been going on for some time into the Leeds Bankruptcy Court?—I knew that some inquiry was going on; Mr. Ayrton had asked me if I would answer certain questions, and I said, "If "you will put them in writing, I will tell you."

1036. You knew that a general inquiry was going on?—Yes.

1037. And that Mr. Wilde's conduct was one of the subjects of that inquiry?—I will not say so, so early as that; I am not sure that I knew it so early; I do not think that I did.

1038. You did not know it in July 1864?—Certainly I did not know that Mr. Wilde's conduct was impugned.

1039. Did not the people of Leeds take a great interest in the inquiry before the Committee on Bankruptcy in the House of Lords?—Yes.

1040. You did not know that Mr. Wilde's name came up in that inquiry; in short, do you tell the Committee that you did not know that Mr. Wilde's conduct was part of the subject of inquiry of that Committee?—I do not say that, but I did not know it so early.

1041. At the time Mr. Wilde came to you to ask what he should do upon the letter of the 26th July?—I think he had to explain it to me; that this was not the first application he had had from Mr. Miller.

1042. As far as you recollect, that was new to you?—I am not quite sure that it was new to me; but anything like particulars were new to me; whether I had heard generally that something was going on, I do not know, but certainly I knew no particulars. I know a good deal now from what has been published.

1043. As I understand you, when Mr. Wilde came to consult you, you did not know what the charges against him were?—Certainly I did not know the particulars; I do not think I even knew that there were charges against him.

1044. Why did you form your opinion at once that they wanted his office?—From Mr. Miller's letter; I had no hesitation about it; it seemed to me to be quite plain.

1045. From Mr. Miller's letter, and from nothing else, you formed your opinion?—I did not say that. I think I have already told you that Mr. Wilde told me that he had had previous applications.

1046. You cannot say whether he did or did not?—I think he told me the effect of them, but I do not think I saw them till they were in print.

1047. Did he tell you what the charges were against him?—I think he did, generally.

1048. Did he say how far they were well founded or not?—I think not; he went away by the 10 o'clock train. The whole thing did not occupy a quarter of an hour.

1049. In total ignorance as to whether the charges were well founded or not, you came to the conclusion that all that was wanted was to get his resignation in order to get the office filled up?—Yes; from what he told me, and from reading Mr. Miller's letter.

1050. What did he tell you?—I think he told me that it was not the first letter he had had from Mr. Miller; that it was not the first letter of a similar import, or something of that sort.

1051. Did he show you a letter of the 24th May, in which Mr. Miller said, "I am directed by the Lord Chancellor to request that you will, within one "week from this day, put Mr. Commissioner Ayrton in possession of the ex-"planation called for by my letter of the 16th instant, otherwise you will be served "with notice to appear and show cause in open court why you should not be "dismissed from your office of registrar"?—I think he stated the substance of the previous communications; but I do not think that he showed me anything but Mr. Miller's letter of the 26th July.

1052. In that state of information, you came to the conclusion which you have expressed?—Yes, without the least hesitation; but I said, "At the same time I "may

" may be wrong, and I think you had better consult somebody else;" and I believe I mentioned the name of Sir James Wilde.

1053. Did you come with, or without any hesitation, to any opinion as to the state of his health?—Not the slightest. I said, "Have you ever consulted a "medical man from whom you could get a certificate?"

1054. You said that one-half of a certificate you thought would do?—I said half a certificate would be enough.

1055. Why did you say that?—Because I came to the conclusion that a certificate was wanted for the purpose of what shall I say?

1056. For the purpose of a fraud, is that it?—I will not give it a harsh name.

1057. But I wish you to give it a true name; do you mean to say that you advised Mr. Wilde to attempt a fraud?—I do not adopt your word; I asked him first, could he get a certificate, and he said that Mr. Hey had attended him some time before for an affection of the eyes, and asked me would I go and ask him to give him a certificate. I did go, and I asked Mr. Hey, and he said, "That is the best I can do for you;" and I said, "Well, "half a certificate will be enough; it is only to justify the grant."

1058. You were perfectly aware that it was to be a certificate; that he was no longer able satisfactorily to perform his duties, and that he was to swear to it?—No, indeed, I was not aware of that. I never dreamed of it. I never heard the name of an affidavit. I had no time to consider. I did not know the routine of the office, and I was much surprised to hear, after the papers came out, that there had been an affidavit.

1059. You were astonished to find that Mr. Wilde in his state of health has sworn, "That your petitioner has for some time past been afflicted with a "failure in his sight, and that the same has now become so serious, that he is no "longer able satisfactorily to perform the duties of his office." Did you believe that to be true at the time you gave him your advice?—I did not know that any affidavit was required, and I do not think I gave him any advice which testifies my belief as to whether it be true or not. The medical man was the man to certify to it.

1060. He came to consult you on this question; whether he should go and show cause why he should not be dismissed, or whether he should apply to retire on a retiring allowance; did you give him any advice upon that subject?—I think I told you almost word for word what I said upon the subject.

1061. Will you answer my question; did you give any advice?—Do you call it advice? I made a suggestion.

1062. Did you advise him to apply for a retiring allowance, or that he should go and defend himself in Court?—I advised him to consult some one else.

1063. Did you advise him to apply for a retiring allowance?—No; I think not.

1064. Can you say you did not?—I do not understand that I gave him advice.

1065. Did you mean him to understand that you approved of his applying for a retiring allowance?—I said, "I do not think they intend you to have the "option," and I considered that he had no option, and I said it would be better to get the retiring allowance if he could, if the certificate were sufficient; but as to an affidavit, it never entered my head; I did not know it was necessary, and I do not think he knew it.

1066. You did advise him to get a retiring allowance, if he could get a certificate which would do?—Rather, I suggested it.

1067. And you went over to Mr. Hey?—Yes, and got the certificate which you see printed.

1068. Were you aware that Mr. Hey had previously advised him to apply for his retiring allowance?—No.

1069. Mr. Hey said nothing about that?—No; on the contrary I rather inferred, though I did not ask the question, that mine was the first application to Mr. Hey for a certificate.

1070. I suppose if Mr. Wilde has stated that Mr. Hey had previously advised him to apply for the retiring allowance on the ground that his sight was failing, that is inconsistent with what Mr. Hey said to you?—The Committee must determine that; I tell you what the fact was.

1071. What did he say; did he say it was the first time he had seen Mr. Hey?—

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Hey?—No, certainly not; I think I understood from Mr. Hey at the time that he had seen him several times about his eyes; I am sure of it now.

1072. I understood from you that Mr. Hey was stretching the point as far as he could possibly go, and that you thought even half that certificate would be sufficient?—No; Mr. Hey said, "That is as much as I can do for you," and I believe he read it to me; I said, "I think it will do, I do not think they want above "half a certificate." I thought it was a foregone conclusion that he might get his pension if he could get a certificate that was satisfactory, in fact, if he could get a certificate which would pass muster; and the result proved that I was right.

1073. You say it was not on your advice that he acted, but that you advised him to consult somebody else?—I said, "I may be wrong," and I think I suggested Sir James Wilde, who is his cousin. It crossed my mind at the moment, that he was the proper person to consult, and I said, "If you are going to London, take another opinion, and do not act upon what I say."

1074. Did Mr. Wilde say what he wished to do; whether he wished to take the retiring allowance, or to defend himself in court?—I cannot say that he said the one thing or the other; my impression is that he did not.

1075. You did not advise him to take the retiring allowance?—No.

1076. Or use any persuasion?—No; I had no notion of pressing whatever; I had rather he had not come at all.

1076. I understand you to say that the notion of his being unfit for his work was a very absurd one?—I had never heard of his consulting anybody for any affection of his eyes until that morning, and not knowing of such a thing, I thought he was competent for his work, and but for anything of that sort, I would say so now.

1078. If you had known that Mr. Hey had previously advised him to apply for his retiring allowance, you would have altered your opinion?—Yes, certainly; but not as to the effect of Mr. Miller's letter. Mr. Hey is a clever man, and a friend of mine; and I would be guided by any thing he said either as a professional man or as a gentleman.

1079. At the end of the year, in December, it seems that Mr. Welch was appointed?—I think he was appointed in July.

1080. He had been discharging his duties down to December?—No, I think not; I think Mr. Payne still continued, and I think he did the duties of both courts for a time.

1081. Was there anything in the state of Mr. Welch's health to prevent him doing his work?—I think I did not see him, therefore I cannot state to you; he was away, part of the time at least, but I do not know for what reason; I have no reason for saying that it was on account of his health or otherwise.

1082. Was there anything in the state of his health that prevented him doing his work between July and December?—Not to my knowledge; I do not know.

1083. You saw Mr. Welch, and he told you that Mr. Richard Bethell had been outlawed?—I had become pretty well acquainted, officially, with Mr. Welch, by that time.

1084. He told you that he wanted you to intercede with Mr. Spirett about Mr. Richard Bethell's debts?—About Spirett's "debt."

1085. And the reason was, that there was a vacancy in the House of Lords?—Yes; either vacant, or to become vacant, I am not quite sure which.

1086. You, at that time, believed Mr. Richard Bethell to have a place in the Bankruptcy Court in London?—No, I did not say so; I believed he had when he came down on the 24th February.

1087. Had you not known before that, that he had a place in the Court in London?—I think it was very probable I did; I almost think that I have seen documents signed by him, but not very recently.

1088. You had not heard of his being dismissed from that place?—No.

1089. Nor of his being on bad terms with the Lord Chancellor?—I think generally I had heard that one of the Chancellor's sons was not on good terms with him; I had only heard that as common gossip.

1090. Did Mr. Welch tell you that Mr. Bethell had told him all this, or that he had heard it from other people?—He did not tell me either; I think he stated that the facts were so; and I took them to be facts, because he said so.

1091. You

1091. You do not know from whom he got the information?—No.

1092. The first proposal was, that Mr. Richard Bethell should be made the clerk in the House of Lords?—Yes; that if his creditors would accept terms, the office or offices would be vacant for him.

1093. As I understand the reason given by Mr. Welch for that not being done was, that if Richard Bethell should succeed to the title, he would be obliged to vacate the office?—I think I heard it first from somebody else, and Mr. Welch confirmed it.

1094. Mr. Welch said it to you?—I think I said to him that I had heard of it, and he confirmed it.

1095. You said you had seen it somewhere?—I think I said that I had heard it.

1096. And he said it was true?—He said he had heard the same thing; he gave me to understand that it was true; I thought it was the probable and true solution.

1097. Did he tell you that he knew it, or did he seem to know anything more about it than you did?—I would not say that he did appear to know more than I did; he might have got it from the same source as I did, for anything that occurred.

1098. What was the next thing you heard about Richard Bethell?—I do not know that I heard anything more until I saw him, and as I have said, although it was a face I thought I had seen before, I did not recollect him, and I do not think I should have known him unless I had been introduced to him.

1099. You say at that time Mr. Welch went to London?—No; he had been to London, and had returned.

1100. Try and recollect whether Mr. Welch told you that Mr. Bethell was to be appointed to succeed him, and that he was to go to London?—No; I heard it first, I am almost certain, from Mr. Bethell's lips, and in Mr. Welch's presence, on the 24th of February.

1101. Did you ever hear why he was not appointed, and why Mr. Welch never went to London?—No.

1102. Did you ever ask?—Yes; I think I was rather curious.

1103. Who did you ask?—Almost everybody I came across.

1104. Did you ask Mr. Welch?—I found that Mr. Welch rather avoided the question, and I never pressed him.

1105. Did you ever ask him?—I never asked him the question point blank.

1106. Did you ever touch upon the subject?—Yes, once, I think; and I found him rather averse to it, so I did not press it.

1107. What did he say. Did you ever ask him why this appointment did not take place?—I found him unwilling to converse about it, so I did not press it.

1108. You said that on the 2d of March you believed that that would be Mr. Welch's last day, and that Mr. Bethell would begin on the 3d of March?—Yes.

1109. Did you never ask why Mr. Bethell never came?—I asked over and over again.

1110. Of Mr. Welch?—No, I once tried to get at Mr. Welch, but found him rather unapproachable, and I did not choose to press it, and from what came out immediately afterwards in "The Times," I thought I could draw my own conclusions.

1111. Tell me whether you asked Mr. Welch about it?—To the best of my belief I did not see Mr. Welch till the following Monday (the 6th March), and I think I tried to get at him about it; I saw that he was unwilling to converse upon the subject, and so I did not press it; and some questions being put in the House about the "Edmunds" affair, I drew my own conclusions from that. I think it was on the 6th of March that Lord Stanley's questions were put, and there was a leader in "The Times" of Tuesday the 7th; I never asked anything after that, because I thought I could draw my own inferences.

1112. You did not ask Mr. Welch anything about it?—No, certainly not after that.

1113. Mr. *Edward Egerton.*] You said that in your opinion you thought the duties of a registrar were very light indeed, and that two hours a day would be sufficient?—Yes, for an experienced man, if he worked six days a week (except taxing costs).

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1114. Have you been in the habit of seeing Mr. Wilde conduct his work, because he has told us that he has been obliged to take papers home every night, besides working from nine till half-past four?—Did he say every night?

1115. He said "several nights"?—I do not think that he came in every day.

1116. According to you, it would not be necessary that he should do so?—It is no doubt necessary to have a registrar every day, but it very often happens that there is little or nothing for him to do.

1117. Colonel *Pennant.*] Do you know of any arrears at any particular time?—Undoubtedly there have been pushes.

1118. Do you think enough to make a man break down under it?—No; I think not. I would undertake to do the work in an average of four or five hours a day; Mr. Payne did it, and at a pushing time too.

1119. Then it was not from over labour?—Certainly not; and I think you will say so when I tell you that the Leeds Bank failed on the 19th, and Mr. Payne did the work, at the age of 83, after that, when there was a rush of work.

Sabbati, 10° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Edward Egerton.
Mr. Evans.
Mr. Howes.
Colonel Douglas Pennant.
Mr. Vivian.

The Lord Advocate.
Mr. Bovill.

EDWARD HOWES, Esq., IN THE CHAIR.

The Rev. *George Rogers Harding*, called in; and Examined.

Rev. *G. R. Harding.*

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1120. Mr. *Bovill.*] I BELIEVE you are Vicar of St. Ann's, Wandsworth?—Yes.

1121. Have you been acquainted with Mr. Richard Bethell?—Yes.

1122. During what period of time?—Perhaps two or three years.

1123. During that time have any pecuniary transactions connected with Mr. Richard Bethell come under your cognisance?—I do not know what you are alluding to; do you refer to private matters?

1124. I purposely put the question generally, in the first instance, whether any pecuniary transactions had come under your observation and knowledge in connection with Mr. Richard Bethell?—He has consulted me when he has been in difficulties, in most of his affairs; in many of them at least.

1125. Mr. *Vivian.*] Are you related to Mr. Richard Bethell?—I am not, but Mr. Bethell married a Miss Luttrell, and her father and myself lived about 30 miles apart, and I was always very friendly with the Luttrell family.

1126. Mr. *Edward Egerton.*] It is an intimacy with his wife's family?—With the Luttrell family; there had always been a very kindly feeling among us all.

1127-8. Mr. *Bovill.*] Do you remember any communication passing between Mr. Richard Bethell and yourself upon the subject of Mr. Welch?—Yes.

1129. When was the first communication from Mr. Richard Bethell to yourself, as to Mr. Welch?—I cannot exactly say; it was a little more than 12 months since; I should think it was about April or May twelvemonth.

1130. 1864?—1864; I cannot say, you know, within a week or two.

1131. What was the application made to you at that time?—There was no application made at all.

1132. What was stated to you by Mr. Bethell?—The fact was that Mr. Richard Bethell said that a friend of his, Mr. Welch, was anxious to get a situation; I do not know what you term it in legal phrase.

1133. An appointment?—An appointment; and he had sent in such testimonials that he was quite certain that they would be thought seriously of by the Lord Chancellor, and Mr. Bethell gave me a note (they were under some arrangement relative to money matters) to Mr. Welch, saying, "Anything you do "through my friend Mr. Harding will be all right."

1134. The *Lord Advocate.*] What were the words?—I cannot tell you the exact words, but the effect was, the arrangement we have made between ourselves will be carried out perfectly honourably through Mr. Harding.

 1135. That

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1135. That was to you?—That was a note which Mr. Richard Bethell gave me as an introduction to Mr. Welch.

1136. Mr. *Edward Egerton.*] What was the object of this arrangement; was it a pecuniary arrangement; did any money pass?—Yes.

1137. Mr. *Bovill.*] Have you the letter with you?—No, I gave the letter to Mr. Welch; it was merely a line. The fact was this; he said he gave a bill for 500 *l.*, and Mr. Welch discounted the bill; at least I do not know whether he discounted it, but there was a bill; whether it was for a fortnight or a month, I am not quite certain.

1138. The *Lord Advocate.*] That is what Mr. Bethell told you?—No, that is what I took myself.

1139. You took the bill?—I took the bill to Mr. Welch, and Mr. Welch gave me a cheque for 500 *l.* for the bill; whether the bill was for a fortnight or a month I do not know, but it was a short date. I took the cheque back; the cheque was written, "Pay the Honourable Richard Bethell, or order," because I would not have anything to do with it.

1140. Mr. *Vivian.*] In whose favour was the bill drawn?—I suppose it was between Mr. Welch and Mr. Bethell. I know my name was not to it.

1141. Was it a promissory note?—I think it was a promissory note.

1142. Was it "I promise to pay Mr. Welch," at such and such a date?—Yes, something of the kind, I suppose.

1143. Mr. *Bovill.*] Was it Mr. Welch's promissory note, or Mr. Richard Bethell's?—Mr. Richard Bethell's promissory note. I could not say whether it was a promissory note or a bill, but it was 500 *l.* to pay Mr. Welch.

1144. And it produced 500 *l.* and upwards from Mr. Welch?—Not upwards.

1145. It produced 500 *l.* from Mr. Welch?—Yes.

1146. What became of that 500 *l.*?—Mr. Richard Bethell had it.

1147. Mr. *Evans.*] It was in the shape of a cheque, as I understand, in favour of Mr. Richard Bethell?—Yes, a cheque to him.

1148. The *Lord Advocate.*] Was it a cheque, or a promissory note, or what?—I have explained that; whether it was a promissory note, or a bill of exchange, I do not know, and whether it was for one month, or some other short date, I cannot say; whether it was "I promise to pay," or "Pay to my order," I cannot say, but it was a security engaging to pay back 500 *l.*, and that I gave to Mr. Welch.

1149. You did not say anything about the month before?—Yes, I did; I said I did not know whether it was a fortnight or a month. I cannot say it was a short date.

1150. It was an obligation to pay back in a month the sum of 500 *l.*?—It was a bill or a bill of exchange, or a note at one month's date or thereabouts.

1151. In return for that a cheque for 500 *l.* was handed over to Mr. Bethell?—No, to me; and I gave it to Mr. Richard Bethell.

1152. Mr. *Edward Egerton.*] What was the date of that?—I cannot give you the date; it was, I think, about May or April twelvemonth; just before Mr. Richard Bethell left.

1153. Mr. *Bovill.*] I caught this expression from you, "They were under "certain arrangements relative to money matters." Would you be good enough to explain what those arrangements as to money matters were?—That Mr. Welch was to discount this bill and give him a cheque for it; that was the arrangement at that time.

1154. You say at that time?—Yes.

1155. Was there any other arrangement afterwards?—There was, so far, an understood arrangement that if Mr. Welch, I think, procured the appointment, he was to give up the bill, and the cheque was to be destroyed.

1156. Mr. *Evans.*] You mean that the bill was to be destroyed?—The bill of exchange was to be destroyed.

1157. Mr. *Bovill.*] How was that arrangement made?—The arrangement was made previous to my taking the bill, and then I may presume that Mr. Richard Bethell thought it was better for me also to know what the arrangement was, that things might be properly carried out.

1158. Then it was Mr. Richard Bethell who mentioned the arrangement to you?—Yes.

1159. Had

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1159. Had you afterwards conversations with Mr. Welch upon the subject?—Yes.

1160. Did you know from him that he was aware of the arrangement too?—Of course, they were both aware of it; it was arranged between them.

1161. I just want to know whether I have correctly collected what your meaning is; is it this, that there was an arrangement between Mr. Richard Bethell and Mr. Welch, that if Mr. Welch obtained the appointment he virtually was to give up that 500 *l.*?—I think so.

1162. He was to advance 500 *l.* in the first instance, and if he obtained the appointment, he was not to have it back again?—I think so.

1163. What appointment was it?—I do not know what the appointment was.

1164. Mr. *Bovill.*] Was there any other sum or sums of money that were to be paid in any way by Mr. Welch to Mr. Richard Bethell?—At that time?

1165. First at that time?—No, not at that time.

1166. Was there any arrangement at that time that a further sum of money was to be paid in a given event?—Yes, there was.

1167. What was that event?—His getting an appointment; as I said before, I do not know what the appointment was to have been, but if he got installed into the appointment, whatever it was, he was to have given another sum.

1168. What was that to be?—£. 1,000.

1169. If he got installed into the appointment, he was to give another sum of 1,000 *l.* to Mr. Bethell?—Yes.

1170. Was that arrangement made before you communicated with Mr. Bethell, or had you anything to do with the negotiation or arrangement of it?—It was all fixed previously to my having anything to do with it; they had seen each other, and had made the arrangement previously.

1171. Then did you take any part afterwards in trying to get the arrangement carried out, besides what you have mentioned to us?—No, I did not take any part in it for this reason; Mr. Bethell very quickly afterwards left, and I heard nothing more of the matter for two or three months; I then saw Mr. Welch in an omnibus, and I said, "Mr. Welch, I congratulate you. I hear "you have got your appointment, and I hope you have carried out your arrange-"ment;" he said, "I am an honourable man, and I have done everything that is "honourable and right."

1172. Did you afterwards see Mr. Richard Bethell?—I did not see Mr. Richard Bethell again until within a month or so ago; not till very lately.

1173. Did you hear from him at all as to whether Mr. Welch had carried out the arrangement?—No.

1174. Did you make any applications to Mr. Welch for further money?—Yes, not for him, because the fact is this, that when I carried the 500 *l.* to Mr. Richard Bethell, he very honourably said, "The fact is this, you ought to have "some of this money; you are perfectly welcome to a part of this money." I said, "I am very much obliged to you; the fact is this, I know at present that "you are hard up; you are in difficulties, and therefore I do not want it; you had "better keep it."

1175. Mr. *Edward Egerton.*] He owed you money, did he?—No, it was only as a friend.

1176. Mr. *Bovill.*] As a sort of commissioner?—No, not as a commissioner, as a friend. It was not a commission, because there was nothing arranged by me; and then I said, "No, the fact is this; I know you want money at present, "and therefore you had better take it;" and then he said, "When Mr. Welch pays "the next money, of course you will have a third of it." I said, "Very well; I "am much obliged to you," but I never got Mr. Welch to give me any. I never got any at all, and I do not believe that Mr. Bethell has ever had a shilling since out of the 1,000 *l.* I think when Mr. Welch got into his berth, he never gave anything afterwards.

1177. Colonel *Pennant.*] When you say "got his berth," you mean got his appointment at Leeds?—Was that the appointment he got then? He got an appointment.

1178. Mr. *Bovill.*] You snapped your fingers just now; do you mean that he snapped his fingers at Mr. Bethell?—No, I wrote to him, and he never answered.

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1179. Mr. *Edward Egerton.*] Did he pay the 1,000 *l.*—No, I think he did not pay a shilling of it.

1180. Mr. *Vivian.*] Did you ever hear from Mr. Welch whether he had paid any of it?—Mr. Bethell was abroad at that time, and he led me to suppose that he had.

1181. Mr. *Bovill.*] He led you to suppose that he had paid the whole 1,000 *l.*?—Not that he had paid the whole 1,000 *l.*; all he said was, "I am an honourable "man and carry out my arrangements." I should draw the conclusion from those words, that that was the arrangement that we talked over; he said he had fairly and honourably carried it out.

1182. You have now reason to believe that he has not carried out those arrangements?—I have.

1183. What are the reasons which lead you to believe that he has not carried out the arrangement?—Because I am certain that Mr. Richard Bethell would always act honourably to those he has to do with.

1184. The *Lord Advocate.*] That is the only reason you have for believing it, is it?—No; I wrote to him, and Mr. Welch has never answered my letters.

1185. Mr. *Edward Egerton.*] Did you make a distinct application for the payment of this 1,000 *l.*?— Not the 1,000 *l.*; a third of it.

1186. The *Lord Advocate.*] Was that for yourself?—For myself; I wrote to him and said: "Dear Sir, these transactions are carried out; you promised that "I should have a share, and therefore you ought to pay me 333 *l.* 6 *s.* 8 *d.*"; to which I never had any reply at all.

1187. Mr. *Vivian.*] That letter was written to Mr. Richard Bethell?—No; to Mr. Welch.

1188. Then you had arranged, not with Mr. Richard Bethell but with Mr. Welch, that you were to have a third?—There was an arrangement made between the parties that that sum of 500 *l.* was to be given on a note, and that if Mr. Welch got the appointment he was to give him 1,000 *l.* more. Then Mr. Bethell said, "Very well, you have had some trouble in it; you shall have a "third of the 1,000 *l.*"

1189. Was Mr. Welch present at that interview?—I spoke to Mr. Welch about it, and told him of it.

1190. Were Mr. Richard Bethell and Mr. Welch both present when Mr. Bethell offered you a third of the 1,000 *l.*?—No; but I told Mr. Welch of it.

1191. Mr. *Bovill.*] What did he say to that?—He was all right before he got the appointment; he would have agreed to promise anything beforehand.

1192. Colonel *Pennant.*] But did he promise it?—Certainly.

1193. Mr. *Vivian.*] Were those arrangements reduced to writing?—No, nothing was in writing except the 500 *l.* bill.

1194. Mr. *Bovill.*] Do you know, either from Mr. Welch or Mr. Bethell, what became of that eventually?—No; I have no doubt that Mr. Bethell was let off that 500 *l.*

1195. The *Lord Advocate.*]—You say you have no doubt; will you tell us what you know about it?—That is my belief.

1196. Mr. *Bovill.*] Do you know that either from Mr. Welch or from Mr. Bethell?—No; only from what Mr. Welch said, that he had acted honourably. I presumed that, as far as that 500 *l.* went, he would not call upon Mr. Bethell for that, and would also pay the other amount, which I am certain he has not done; for if he had, I am certain that Mr. Bethell would immediately have said to me, "Mr. Harding, I have had so and so; you have had some trouble, here is some-"thing for you."

1197. Colonel *Pennant.*] You mentioned that you had said to Mr. Welch, that you had heard he had got the appointment?—Yes.

1198. Whom did you hear that from?—I think I saw it in the paper, and some months afterwards I met him in an omnibus.

1199. You cannot recollect whether it was from any particular person that you heard it?—I am pretty nearly certain that it was not from any person, because I had no communication with Mr. Richard Bethell for so long a period. Immediately after this transaction, and before Mr. Welch had the appointment, he went abroad. The fact is, the papers, as I understood from Mr. Richard Bethell,

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Bethell, which went in to the Lord Chancellor, that is, the testimonials were so good that Mr. Welch was certain to get the appointment.

1200. When you spoke to Mr. Welch, and said you had heard that he had got the appointment, that was from general rumour, and not from any particular person who had informed you of it?—No, not from any person; from general rumour, and seeing it in the papers.

1201. Mr. *Bovill.*] Did you hear either from Mr. Welch or from Mr. Bethell that Mr. Bethell had interested himself to obtain the appointment; what did you understand?—My idea was this ——

1202. The *Lord Advocate.*] The question is, what you heard from Mr. Welch or from Mr. Bethell?—Nothing,

1203. Mr. *Bovill.*] Will you kindly tell me this, whether the payment of the additional 1,000 *l.* was or was not dependent upon any further contingency of a transfer of an office?—No; not that I know of.

1204. It was to be paid, simply if he obtained the office; that was your understanding of it, was it?—Yes, if he obtained the appointment.

1205. The Lord Advocate has asked you just now your reasons why you stated that you believed that the arrangement had not been carried out, and you told us that you had written to Mr. Welch, and that he had not answered your letter, but he had told you that he had acted honourably; that would seem to me to imply that he had carried out the arrangement; have you any reason to give why you say that he had not carried it out?—I wrote to him after he had told me he was an honourable man, and carried out his transactions honourably; it was after that that I wrote a letter to him at Leeds, to which I never received any answer.

1206. Did you make any inquiry of Mr. Richard Bethell upon the subject, to know whether he had paid it or not?—Yes; I saw Mr. Richard Bethell upon it.

1207. What did Mr. Richard Bethell say upon it?—He said he did not think the fellow had any money; that is Mr. Welch. I suppose if he had had the money, he would not have spoken of him in that way.

1208. At that time did anything pass about Mr. Welch obtaining an appointment in London?—No, I never heard of anything; at that particular period I never heard of anything else; I never had anything to do with anything but that; I never saw Mr. Welch but twice.

1209. Do you remember about what time it was that you made the application for the 333 *l.*?—Perhaps it might be five or six months since; I have written to him several times.

1210. Have you ever had any answer from him?—No.

1211. I think you told me that you are not aware of any other moneys or securities having been handed by Mr. Welch to Mr. Bethell?—No.

1212. Are you acquainted with any other transactions that have passed between these two gentlemen?—No, none.

1213. Are you aware of any other circumstances connected with the appointment of Mr. Welch, or his transfer to London?—No, I never heard a word about that. I sent relative to my claim upon him. I had a friend, the Rev. Mr. Bartlett, and I sent him down to Leeds to see Mr. Welch, and he saw him. The exact conversation that transpired I do not know; but what he represented to me was that he said, "Mr. Harding has not applied to the right quarter?" that was the pith of it.

1214. Mr. *Bovill.*] What was the name of the gentleman you sent?—The Rev. Josiah Bartlett.

1215. Mr. *Edward Egerton.*] Did you consider that you had a legal obligation against Mr. Welch?—Yes; I was wrong; I never had anything to do with such things before, and I will be bound I do not again.

1216. Have you ever acted upon any other occasion than this for Mr. Bethell?—Never.

1217. Have you been made cognisant of his pecuniary affairs?—Yes.

1218. This was the only time you have ever acted in this way for him?—Yes; what do you mean by my being cognisant of his pecuniary affairs; do you mean to ask me if I knew of his difficulties? The fact was we were on such terms that he would frequently speak to me relative to his pecuniary matters, and how he hoped to get out of his difficulties at that time.

1219. This was the only time you actually were the means of obtaining money

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for him; have you obtained money from any other person for Mr. Bethell; have you been to any other person in the way you went to Mr. Welch?—Certainly not.

1220. Are you prepared to state that?—I have stated it.

1221. Mr. *Vivian.*] Have you ever negotiated any arrangement on Mr. Bethell's behalf with anyone?—With many persons, but do you mean for money.

1222. Of any description whatever?—Not upon any appointment; I have had some friends lend him money; I do not think I should be honourably bound to answer these questions.

1223. The *Lord Advocate.*] You will be honourably bound to answer that and a good many other questions before you have done?—The fact is this; if Mr. Bethell had wanted 100 *l.* at that time, and asked me to lend it to him, if I had it, I should have done so, but not upon any appointment.

1224. Mr. *Vivian.*] Will you state what moneys were lent to him by friends of yours, within your cognizance?——

[*The Witness was directed to withdraw, and, after a short time, was again called in.*]

1225. *Chairman.*] The Committee have considered the question which was last put to you, and I will put one or two questions in rather a different shape. You have probably had negotiations with different persons respecting pecuniary matters connected with Mr. Bethell?—Yes.

1226. There can be no doubt of that?—No; but it has not been to any extent; when it has been, it has merely been my putting my name to an accommodation bill for him, nothing more, which he has very honourably afterwards paid, or he has sent the money to pay the whole of it. The only money transaction I have ever had with him has been that; and just before he went, he asked a gentleman to lend him some money, and he said, "If Mr. Harding puts his "name to it, I will." It was for 250 *l.* I did so, and he sent the money to the day, and paid it. That was the only kind of transaction which I have ever had with him in money matters. He met that honourably.

1227. Was that gentleman you have just referred to (it is unnecessary to name him), in any way connected with a public office?—Not in the least.

1228. Had he any patronage?—Not the least.

1229. In any remote degree?—Not the least.

1230. Had he any expectation of an appointment?—Not the least. It was merely that Mr. Bethell wanted the money; perhaps his name at that time might not have been very good, and he asked me to put my name to the bill, which I did, and it was paid.

1231. Have you had any negotiations on behalf of Mr. Bethell with any other gentleman?—None whatever.

1232. That you are certain of?—Quite certain.

1233. You can withdraw now, but you will be good enough to attend on Monday morning?—I am ready to give to the Committee all the information I have, but I do not see why I could not do it now. I am perfectly prepared to state anything or everything that I know, which can bear upon the subject.

1234. There are several other witnesses whose evidence bears more or less upon your own, therefore, for the purposes of our inquiry, it will be absolutely necessary that you should attend here again. Probably you were hardly aware, at the moment this took place, how very serious the transaction you were engaged in was?—No, because the fact is this, that Mr. Bethell told me that Mr. Welch's testimonials were such that he was certain to get the appointment; that he had sent in testimonials that the Lord Chancellor was bound to look at.

1235. Mr. *Edward Egerton.*] You must be aware that this was something like the sale of an office?—Not at all.

1236. What was the 500 *l.* bill given back for?—I do not know that it was given back; I only believe it.

1237. You stated positively that it was given back?—I could not say so positively;

tively; if you refer to the notes, you will see that what I stated was, that from Mr. Welch's saying that he had acted honourably, I presumed it. Rev. G. R. Harding.

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1238. Colonel *Pennant.*] But the arrangement was, that the office was to be an equivalent for the 500 *l.* and the 1,000 *l.*; that was the arrangement, was it not?—That was the arrangement.

1239. *Chairman.*] You have applied several times to Mr. Welch for one-third of the 1,000 *l.*, as I understand?—Yes.

1240. But the arrangement was between yourself and Mr. Bethell, was not it?—I told Mr. Welch of it.

1241. When did you tell Mr. Welch of it?—At the time that the 500*l.* passed; I said that Mr. Bethell was going to make me a present if he got it.

1242. In fact, you yourself told Mr. Welch of the arrangement between yourself and Mr. Bethell as to the one-third?—Yes.

1243. Mr. *Edward Egerton.*] A further sum of 1,000 *l.* was to be given; that was part of the arrangement?—Yes, which I do not believe has been paid.

Patrick Robert Welch, Esq., called in; and Examined.

1244. Mr. *Bovill.*] IN the beginning of 1864 what was your profession or occupation?—I was at the bar, going the Northern Circuit regularly. I do not think I have missed it for the last 20 years four times. *P. R. Welch*, Esq.

1245. What was your state of health?—In January 1864, I had a fever, but I was up and out in March. I have not been ill, and have had nothing like physic since. I have avoided the doctor since.

1246. Was your state of health such as at all to interfere with your practising at the bar?—No; when I was fortunate enough to have business, my state of health did not hinder me from attending to my professional avocations.

1247. Have you yet recovered from that attack of illness?—Perfectly.

1248. How long have you recovered?—I should think quite a year. Last winter and spring were very severe. I live seven miles from Leeds, and yet I generally rode in on horseback or drove every morning, and was in the office at 10 o'clock, and out again every afternoon, and I had no return of illness. During the bad weather I had not even a cold; but when the weather became warm, I did get a cold about a month ago.

1249. At what time did you consider that you had recovered from your illness?—I was on circuit when I got the appointment.

1250. You considered you had recovered then?—I was perfectly well then.

1251. Do you remember being examined before a Private Bill Committee on the 20th of March in the present year 1865?—Yes; it was a Bill promoted by parties who wanted to run a railway through some property of mine in Suffolk.

1252. You opposed the Bill personally yourself, did you not?—No, I had counsel.

1253. You opposed it through counsel, and you appeared as a witness?—Yes, I appeared as a witness.

1254. Do you remember, in answer to a question by your counsel, stating this: "I am just recovering from an attack of illness that has been upon me "for more than 14 months"?—No, it was a cold I had then.

1255. I will hand you the Minutes of Evidence (*handing the printed Minutes of Evidence to the Witness*)?—I have taken no medicine since, and I have had no doctor since.

1256. My question is, whether on the 20th of March this year, you did or did not, in your evidence before a Committee, use the words I have read; the evidence is, I believe, on oath?—Yes, on oath.

1257. Did you, or did you not, use the words I have just read to you?—I may have used them, but I had been well for several months, and the strongest evidence I can give you, is what I have already stated.

1258. I will read you the words again. Are not these your words in giving

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evidence on oath in answer to a question by your own counsel: "I am just "recovering from an attack of illness that has been upon me for more than 14 "months"?—I think that that was not put by my own counsel.

1259. "Re-examined by Mr. Salisbury." Was Mr. Salisbury your counsel?—He was then; but there was a Queen's counsel too.

1260. Mr. Rodwell?—Mr. Rodwell asked me some similar question, and I said that I had been ill 14 months ago, and had recovered then. I might have made a mistake in expressing it more clearly.

1261. I do not find here that anything of the sort was said by you, and it seems, according to the printed report of the evidence, that this was the only matter which you stated on re-examination by your own counsel; in fact only one question was put. The question put to you appears to have been, "You "are not desirous of opening up these private affairs of yours," and the answer is, "No, I am just recovering from an attack of illness that has been upon me for "more than 14 months"?—I do not mean to say that a reporter writes inaccurately always, but certainly a portion of that evidence was inaccurate. Sir Edward Kerrison is reported to have said (I should not have recollected it but for your observation about it) that I had closed up a lane upon my own property, perfectly illegally; now, he really said, "Quite legally," not "illegally."

1262. This was a voluntary statement of yours, after answering Question 481, by Mr. Salisbury, who I understand was your own counsel?—He was.

1263. The question was this; "You are not desirous of opening up these "private affairs of yours," the question having no relation to illness; the answer put down by the shorthand writer is, "No, I am just recovering from an attack "of illness that has been upon me for more than 14 months"?—You will excuse my saying I am almost certain that I did not use these express words, because I had been for many months quite well. As I tell you, I had been riding or driving in and out of Leeds during the whole of the winter and spring; and I can also refer you to another part of the same report, where Sir Edward Kerrison was made to say that I had closed up a road upon my property "perfectly illegally," whereas he said "legally."

1264. Can you point out where that is?—I think I have got that evidence in my bag; I brought it up for another purpose; I brought it up quite irrespective of this inquiry, and I think I have underlined the passage. Here it is (*producing a copy of the printed Minutes, and pointing out the passage*).

1265. Then it is in the evidence of Sir Edward Kerrison that you find that they have printed the word "illegally" for "legally"?—Exactly.

1266. I see, therefore, you have looked very carefully through this evidence?—A part of it I have.

1267. Having looked through the evidence of Sir Edward Kerrison, with such minuteness as to detect the variation between "legally" and "illegally," do you wish the Committee to understand that you did or did not look through your own evidence with similar care?—I do not think I looked through any other evidence than Sir Edward Kerrison's; he was the main witness.

1268. I should have thought you would have considered it rather important to look through your own?—You observe that part of Sir Edward Kerrison's evidence is underlined; if any portion has been so underlined, of course I have looked through it carefully.

1269. You have produced to me from your bag a printed copy of the evidence to which I have referred?—Yes, I should not have produced it, except that you referred to it.

1270. You produced this to show me an inaccuracy in the report, and you have pointed out a very important difference, namely, in the evidence of Sir Edward Kerrison, where "illegally" was printed instead of "legally"?—Quite so; I brought it up to produce before the Committee of the House of Lords, as the Bill is now before that House.

1271. As you were going to produce this before a Committee of the House of Lords, I take it for granted that you looked through it to see that the evidence was accurately stated here?—I have not gone through it carefully; I have not read it carefully except where it is marked; it was my intention to do so.

1272. Have you not read it through; I see it is marked?—Only where it is marked.

1273. You

1273. You did not stop at the marked passages, I suppose?—I knew I should have plenty of time to read it before going into the Committee of the House of Lords.

1274. Did you not look over the print of your own evidence?—I did not.

1275. Did you not read it over the next day to see whether it was correct?—I did not.

1276. Can you say yes or no, whether you did use, and, indeed, volunteer the expressions reported there, which appear as the only answer upon re-examination by your own counsel?—I said that I had been ill 14 months ago, and I had recovered.

1277. That is not this expression by any means. This expression is, "I am "just recovered" (this is on the 15th of March 1865) "from an attack of illness "that has been upon me for more than 14 months"?—I certainly did not intend to say that I was just recovering; I may have said it; I do not think I did say it; because there is one portion of that evidence inaccurate, therefore the other may be.

1278. You mean printing "illegally," instead of "legally"?—Yes.

1279. As that portion is inaccurate, are you under the impression that this is inaccurate too?—I only say that it may be; I am not in a position to say that it is. I certainly was not then recovering; I had recovered several months.

1280. All I am desirous of knowing now is, whether you are in a condition to say that you did not say those words, or that you did say them?—If I did say them I did not mean them, because I had been well several months.

1281. Do you believe that you did say them?—No, I do not.

1282. If you did say them I suppose they were accurate, as you were giving evidence on oath?—It might be a misconception of mine in answering. I am quite satisfied that you should take it as reported, but I certainly was well months before that.

1283. You are content that we should take it as reported?—I say I am; but I was well before that, as a fact.

1284. In the spring of 1864, were you or were you not desirous of obtaining a public appointment?—I was; and in 1863, and in 1862, if I must tell it, and I dare say before that.

1285. Was the attack that you suffered under gastric fever, or anything of that sort?—No.

1286. Was it scarlet fever?—No.

1287. What was it?—A fever arising from a cold. No scarlet or gastric fever, nor anything of a typhoid form at all; it was a fever that nobody need have been afraid of, nor did anybody take it from me.

1288. After this attack of illness, I suppose you became more desirous of obtaining an appointment than you had been previously?—I always had been desirous of obtaining an appointment for the last three or four years.

1289. In the year 1864, did you use any influence with persons other than those you had applied to previously?—I did.

1290. To whom did you apply then?—I asked a friend of mine, who is in the House of Commons, to interest himself for me.

1291–95. Who is that?—It is not requisite to mention his name.

1296. Did you apply to any other persons to endeavour to obtain any appointment?—I did to the leaders on my circuit. I was told that political influence would not avail me with the Lord Chancellor, or any Lord Chancellor, and I was inclined to think so myself, and I applied to the leaders on my own circuit. Mr. Stephen Temple, whom you know, and Mr. Edward James, whom you know, and Mr. Manisty, whom you know, and all of whom you know to be leaders of the Northern Circuit. All those gentlemen gave me strong testimonials, as also did Sir William Atherton the year before that.

1297. Mr. *Edward Egerton.*] He had also been a leader of the Northern Circuit, I think?—Yes; I had been on the circuit myself for some 20 years.

1298. Mr. *Bovill.*] Did you obtain any fresh letters of recommendation in

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the year 1864?—You pressed me to give names just now politically, which I felt a delicacy in giving; I might mention similar names now, but for the same reason.

1299. I do not desire to press you; I am placed in this difficulty, I have no statement of your evidence; I do not know what you are coming to say, nor what you can say. My duty is to investigate this circumstance without any information to enable me to do so, except the general information which all the Members of the Committee possess?—If I had time, I assure you I would give you all the information in a proper shape and form; but I came up in a hurry, having got the Honourable Chairman's letter yesterday, and I then had to go back again to my house, seven miles by road from Leeds, for the papers you required, and then came up after that, late at night. If I had been examined on Monday I would have thrown all these papers into shape for you.

1300. The *Lord Advocate.*] Those friends you have been referring to are political friends, not professional friends?—They are not professional friends; there are seven or eight of them.

1301. Having obtained letters from your political friends, did you find that you got an appointment or not?—No; I was told that the letters were of no value, except those of the leaders, and then I applied to those gentlemen whose names you have.

1302. You mean that you had fresh letters from the leaders in 1864?—I had; I think the dates will bear that out.

1303. We have the letters; they are at page 20 of the Minutes; some of them are in 1864. Did you apply to anybody else who was neither a political friend, nor a leader of the circuit, nor connected with the circuit?—I did.

1304. To whom did you apply?—Among others, I asked the Honourable Richard Bethell, and I will tell you why. I had been residing at Richmond, where I now have a house, for 12 years, and he had been residing there for some few years, and I used to meet him continually going backwards and forwards, and he, being a brother barrister, I thus became acquainted with him.

1305. How many years have you known him?—I forget when it was that he lived in Richmond; several years, I should say.

1306. About how many years have you known him?—I should say four or five years, or more, perhaps; I cannot tell when he lived there; it was when he lived at Richmond.

1307. Tell me to the best of your recollection.—I only want to know whether it was months or years?—I assure you it does not signify to me whether it was two years or 12 years. I would tell you if I could recollect it.

1308. It matters far less to me. I only want to know how long it was?—I tell you I cannot remember.

1309. Mr. *Evans.*] Did not you say that it was four or five years?—I think so; it may be more; it is certainly not less.

1310. Mr. *Bovill.*] When did you first apply to Mr. Bethell?—I met him casually, frequently.

1311. When was it that you first applied to him?—I should think I asked Mr. Bethell in 1862 or 1863; I forget which.

1312. Did you apply to him again in 1864?—I did.

1313. What time in 1864?—When I was ill he used sometimes to come and ask how I was; that was in January and February. When I found myself getting better, or shortly after that, I mentioned it to him; I said I should be glad if he could exercise any influence, if he would be kind enough to do it.

1314. What did he say?—He said he was not then as he used to be, in office, that is, near his father; but he certainly would if he could, if he had an opportunity. And I may mention to you that I have often assisted Mr. Bethell, and others too, including Members of your Honourable House, frequently.

1315. Mr. *Edward Egerton.*] Pecuniarily?—Yes, as friends; and one noble Lord now owes me 8,000 and odd pounds. We settled accounts some time ago; he is a connection of Lord Palmerston. I asked him to help me, and I believe he would do it for me if he could. I have assisted many friends from time to time, perhaps incautiously, it may be foolishly; and among the rest I have assisted Members of the House of Commons; two, I know I have assisted, and I have lost nothing by them.

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1316. Mr. *Bovill.*] I was rather asking as to Mr. Richard Bethell; you tell me, as I understand, that you have assisted Mr. Bethell pecuniarily?—I have lent him money; there is no doubt about that.

1317. During what period?—I lent him money in 1864.

1318. Was that the first time that you assisted him with money?—That was the first time that I assisted him with money.

1319. What time in 1864 was that?—I should think that was in April or May; I should say so.

1320. Had you ever assisted him with any bills, or anything of that sort previously?—Never, nor anybody else that I recollect.

1321. What was the amount that you assisted him with?—I will tell you, of course, if the Committee wish to know.

1322. *Chairman.*] There can be no objection to your mentioning the sum?—I will do so, from beginning to end. Mr. Richard Bethell owes me 1,050 *l.*

1323. Mr. *Edward Egerton.*] He owes you that now?—He owes me that now; in the first instance it was 500 *l.* that I lent him.

1324. Mr. *Bovill.*] Now will you tell me when he had 500 *l.* from you?—I tell you in April or May.

1325. Colonel *Pennant.*] In April or May of what year?—Of 1864.

1326. Mr. *Bovill.*] Will you be good enough to explain how it was that he had 500 *l.* from you in April or May 1864?—He asked me to lend it to him, and I thought at that time, as he was in no difficulties, that he was a very good object; I thought he was a very good mark, and I further thought that it was very likely if I wanted a compliment, and asked him for it, he might exert himself as well as others to assist me.

1327. Mr. *Vivian.*] What do you mean by a "compliment"?—If I wanted any assistance with parties in power.

1328. Colonel *Pennant.*] What do you mean by saying that he was "a very "good mark"?—I thought he was ample security for 500 *l.* at that time.

1329. Mr. *Bovill.*] You thought he was ample security for 500 *l.*; do you mean that you thought he had the means of paying 500 *l.* at that time?—I do not know; he gave me a bill for it.

1330. I ask you now, whether in April or May 1864, you considered that Mr. Richard Bethell was very good security for 500 *l.*?—I knew nothing to the contrary.

1331. And you believed him to be very good security for 500 *l.*?—I believed he was security for 500 *l.*

1332. Under what circumstances did he have that 500 *l.* from you?—He gave me a bill for it, which was not paid.

1333. What date was the bill?—I think it was at three months; I am not sure.

1334. What has become of the bill?—I gave the bill to my solicitors, Messrs. Tucker & New, when it was not paid, or rather a little before it became due, and they passed it through their bankers, and, not having been paid, it was noted.

1335. What has become of it now; is it in existence?—Since that I got a written acknowledgment of what he owes me.

1336. What has become of the bill is the question?—I say I got an acknowledgment instead of it; the bill is destroyed, I think.

1337. Is the bill destroyed?—It is.

1338. Did you destroy it?—Yes.

1339. Will you tell me the date at which you destroyed it?—I really cannot; but my solicitor will be examined, I wish him to be examined, on Monday, and I dare say he will get a return from his bankers, and be able to fix the dates exactly.

1340. Can you tell me about the time when it was destroyed?—I cannot.

1341. What induced you to lend Mr. Bethell, for the first time, 500 *l.*?—I thought that he, as other people to whom I lent money, might exert himself for me if I wanted him to assist me in obtaining an appointment or anything like that. I knew very well he had no appointment himself to give; all he could do was to use influence.

1342. Influence with whom?—I should think, though I never mentioned it to him,

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him, that it would be with the Lord Chancellor or those other people. Those other people, I thought, could assist me politically with the Lord Chancellor also.

1343. Then was the 500 *l.* advanced by you for the purpose of obtaining Mr. Richard Bethell's influence with the Lord Chancellor?—No, not for that purpose; but having lent it, I thought I might ask him to do me a favour in return, if it was in his power.

1344. Did you ask him to do you a favour in return?—I did.

1345. What did you ask him to do for you?—I simply asked him if I made an application to the Lord Chancellor for an appointment, if he had an opportunity, would he assist me. I mean that I asked him to assist me.

1346. What did he say?—He said he would if he could.

1347. Was that before or after you had advanced the 500 *l.*?—After I had advanced the 500 *l.*

1348. Did you yourself personally place the 500 *l.* in the hands of Mr. Bethell?—No, I sent him a cheque; he wrote me a note.

1349. Have you got the note?—No, I have not got any of those papers, unfortunately. He wrote me a note sealed, and I had previously promised to let him have this sum of money if I found it convenient, and he said it would be a vast convenience (I am now speaking from memory) if I could assist him, and I enclosed a cheque upon my banker in another sealed note, and he enclosed me his bill for that amount.

1350. I want to know whether you paid the 500 *l.* to Mr. Bethell personally, or whether you paid it to any other person?—I put it in a sealed note, in reply to his application and to his enclosed bill.

1351. What did you do with the note which so enclosed your cheque?—I directed it to Mr. Bethell.

1352. What did you do with it?—I gave it to his messenger.

1353. Who was his messenger?—His messenger was the Reverend Mr. Harding.

1354. How long before you gave the money had you promised to let him have it if you could?—I dare say a month or six weeks.

1355. Had he applied to you often for money?—Often, and I had refused it sometimes.

1356. How often had you refused it before you advanced the 500 *l.*, as you say?—I cannot tell; frequently I used to say I had not got it then.

1357. Was that because you did not like to lend it to him?—That might be an ingredient in the case, no doubt.

1358. Were you afraid if you lent it to him that you would not get it back again?—No; I tell you I lent it ultimately because I thought I should get it back again, or I certainly would not have lent it.

1359. Why did not you lend it before?—To tell you the truth I had not always so large a sum of money at my bankers; I have seven children, and I have very hard work.

1360. Have you promised at all to let him have any other money than the 500 *l.* or not?—No; he wrote to me afterwards for money and I lent it to him afterwards, but not when he wrote.

1361. When did you next lend him any money?—He wrote to me from France to say, as well as I recollect the contents of the note (but I am taken rather by surprise at this examination, and I should certainly have preserved all those letters if I had thought it would come to this, to enable me to answer word for word), that he wanted to remove his family and himself for the winter to Paris, or the neighbourhood, from where he was; I think he was then at St. Malo, or some small town on the coast of Normandy or Picardy, I am not sure which.

1362. When he wanted to move his family, did he apply to you for a loan of money?—Yes, he did.

1363. Had he not money enough to move his family from St. Malo to Paris?—I cannot tell, perhaps he had incurred debts there; I do not know. Some men, when they are asking for money, make excuses which they are not justified in making.

1364. Did you lend it to him?—I did.

1365. What did he apply for?—He asked me to lend him 300 *l.* or 400 *l.*; I could not afford that then; I had not got it; but I lent him 200 *l.*

1366. Did

1366. Did you take any security?—I had a bank post bill, or something of the sort.

1367. That you sent him?—That I sent him.

1368. Did you take any security from him?—No; he said he would give me security when he came back; he merely acknowledged it.

1369. Mr. *Edward Egerton.*] What was the date of that transaction?—I should think that was at the latter end of October or the beginning of November, but I could find the date by applying for it.

1370. Mr. *Bovill.*] Had he repaid the 500 *l.*?—No, he had not; I began by stating that he now owes me 1,050 *l.* for money advanced to him from time to time.

1371. For what period was the 500 *l.* originally lent to him?—He promised to pay me back in three months, and the bill not being paid, it was noted by my solicitors' banker.

1372. Did you apply to him for payment of it?—They did. I did not know where he was.

1373. You had to apply to him through your solicitor?—Through my solicitor.

1374. Was he out of the way at that time?—He had been out of the way since the April or May before; immediately after I lent him the money he went out of the way, and was out of the way from that time.

1375. On what ground was he out of the way?—I do not know.

1376. What did you understand to be the reason why he was out of the way?—I know of no reason; I do not like to credit common rumour.

1377. What was the belief in your own mind?—He had resigned his appointment; I heard that he and his father had quarrelled.

1378. Colonel *Pennant.*] His appointment where?—He had an appointment in London, but he resigned it of his own mere motion; he and his father had quarrelled; at least the Lord Chancellor had not had any quarrel with him, but he was dissatisfied I dare say; I cannot tell why it was, but as you ask me the question, I am only just fishing for a reason to assign for it.

1379. Mr. *Bovill.*] You said "common rumour," I want to know what was the common rumour that you understood as being the cause of his absence from the country?—Simply that he threw up his appointment and left the country.

1380. Did you understand that Mr. Bethell was in such pecuniary embarrassments that he left the country?—People said so.

1381. Had you heard it?—Yes, I had heard it.

1382. Then when the 500 *l.* ought to have been repaid, and you could not get it, you employed a solicitor to endeavour to get it for you?—Yes.

1383. What happened then confirmed your view as to the cause of his absence?—Yes.

1384. Will you now explain how it was that, when he wanted money to take his family from St. Malo to Paris, you came to lend him money?—I speak from memory: I believe that was the reason he gave.

1385. How was it, under those circumstances, that you lent him 200 *l.* when he had applied for 300 *l.* or 400 *l.* without security?—It might be that I was very foolish; but I can tell you that the nobleman I alluded to before, to whom I had lent 8,000 *l.* and odd in the course of 12 years, never gave me any security until lately, when he instructed his solicitor to give me a charge upon his estate.

1386. To come back to Mr. Bethell; will you give me an explanation of how it was that you came to lend a gentleman who had been obliged to leave the country on account of his embarrassments, and had not money enough to take his family from St. Malo to Paris, 200 *l.* without security, when he had not paid the 500 *l.* which he owed already?—I simply give you the reason he assigned for asking for it.

1387. How came you to let him have 200 *l.* more?—It was foolish, perhaps; foolish good nature.

1388. Was it?—It might have been.

1389. Was it?—I cannot define it for you.

1390. Was it because you had promised to let him have it?—I never promised it.

1391. Never?—Never.

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1392. Have you any further explanation to give the Committee with respect to letting him have that 200 *l.*?—I have not; I had never promised it to him.

1393. Did you let him have any money after that?—I did.

1394. When?—I let him have money when he came back to this country.

1395. When was that?—I should think that was last April.

1396. April 1865?—I think so. I should think it was about that time.

1397. Do you think it was earlier than that?—It might have been a month or so.

1398. Might it not have been February?—I think not.

1399. Was it when he returned to this country, at all events?—It was shortly afterwards.

1400. Where was it that you lent him this further money; was it in London or Leeds, or where?—In London.

1401. Was it before or after he had been to Leeds?—Before.

1402. Before he went to Leeds?—I think so; I am sure of it.

1403. How long before he went to Leeds was it that you let him have some more money?—That I could not say.

1404. Was it days or weeks?—I should think it must have been some weeks.

1405. Some weeks before he went to Leeds?—Yes.

1406. About how many weeks do you think?—It might have been two or three.

1407. What was the amount you let him have then?—It was in two different sums. I gave him a cheque for 50 *l.* One day he came to me in a great hurry and said he was very much pressed for 50 *l.*; it was not very much, and I lent him 50 *l.* I gave him a cheque on my banker. All those monies went through Messrs. Childs & Co., therefore I could have got the dates exactly for you if I had been aware that you would have wanted them.

1408. What was the other cheque?—The other was 300 *l.*; I told you it was 1,050 *l.* altogether.

1409. When did you give him the 300 *l.*?—A very short time after I gave him the 50 *l.*; I should think a week or so.

1410. You say he came to you and wanted the 50 *l.* in a great hurry; where were you?—I was in London; I happened to be here about that very railway to which you have been referring.

1411. Where did he come to you?—To my chambers.

1412. In the Temple?—Yes, in Goldsmith's Buildings.

1413. Where was it that you gave him the 300 *l.*?—I think in the same place.

1414. At what time?—I tell you it was about a week, I should say, after I lent him the 50 *l.*

1415. Did you take any security or acknowledgment from him?—No; he gave me a written acknowledgment that he owed me 1,000 *l.*; he omitted the 50 *l.*

1416. Was that at the time when you gave him the 300 *l.*; or was it some time afterwards that you took the acknowledgment?—He sent it to me.

1417. Was it at that time, or some time afterwards?—It was afterwards.

1418. How long afterwards was it that he sent you any acknowledgment; was it weeks or months?—I should say about a month afterwards. I wrote to him to repay me some of my money; I wrote to him and asked for security, or for the money, or for a part of it.

1419. You wrote to him, you say?—Yes, frequently.

1420. I want to know whether at the time the 300 *l.* was given by you to him you took any security or acknowledgment?—I did not at the time; he said he would execute any security I liked at any period.

1421. Did you ever apply to him for any acknowledgment at all, or did you ever receive any acknowledgment from him until after the 3d of March 1865?—Frequently.

1422. Did you obtain any acknowledgment or security from him before that time?—No; you said "or apply for it."

1423. First of all, did you ever get it?—I applied for it, but I did not get it.

1424. When

1424. When was it that you got the acknowledgment; was it before or after the 3rd of March 1865?—I should think it was after March.

1425. Are you not perfectly certain that it was?—Not perfectly certain; I think so.

1426. What is the date you would fix as that of the getting the acknowledgment?—I should think about the middle of March.

1427. You have advanced to him, according to your account, first, 500 *l.*, and then 200 *l.*, then 50 *l.*, and then the 300 *l.*?—Yes; I can produce my banker's book, and that will show the dates of everything.

1428. How came you to advance the 300 *l.* the last time, when the other sums were unpaid?—I, nevertheless, did it; I did it, I suppose, hoping against hope.

1429. Did you know that he had been outlawed?—That was reversed.

1430. Then when the 300 *l.* was advanced, you knew that he had been outlawed, but that it had been reversed?—Yes.

1431. Did you know when the outlawry had been reversed?—The outlawry had been reversed in January; I think the proclamation was in December.

1432. The *Lord Advocate.*] When was the outlawry?—On the 15th December. It was only a proclamation; it did not run to an outlawry.

1433. When was it reversed?—Immediately afterwards; and what brought Mr. Bethell to Leeds at that time was to speak to Mr. Spirett (I have never seen that person, and I do not know him) to get him to sign a paper, together with another creditor of his in Leeds. I understood that both those men had got bills of Mr. Bethell's. Mr. Spirett is one, and the other is a solicitor in Leeds, whom I never saw, but I should know his name if I heard it.

1434. Mr. *Edward Egerton.*] Was his name Schofield?—Mr. Schofield. He went to see both those men, and he said that he saw Mr. Schofield, but that he could not see Mr. Spirett, and that Mr. Schofield had at once agreed to sign the document he required; in point of fact, though he did not know it at the time, Mr. Spirett had signed the very document before that which he required for reversing the outlawry.

1435. Mr. *Bovill.*] Then was it with reference to that that you let him have the 300 *l.*?—No, not with reference to that.

1436. Did he apply to you at Leeds for any sum of money?—No, not at all.

1437. Now, to go back again to what I was upon before I allowed you to continue your statement?—I have to apologise for interrupting you; I thought you would wish to hear the whole of it; I have nothing to conceal about it.

1438. Had you any communication with Mr. Harding beyond receiving an envelope with a bill in it, and sending back a cheque in an envelope; you called him a "messenger"?—Never.

1439. No communication whatever?—None whatever; but I have been very much annoyed since by Mr. Harding.

1440. In what way?—In speculating upon extracting money from me under threats.

1441. Have you got any letters from him?—I have.

1442. Will you just produce them?—My solicitor will be here with them, and produce them. I sent them up from Leeds to my solicitor. There was Mr. Harding, and Mr. Bartlett, and the attorney whom he employed, concerned in it, and I wrote to my solicitors, stating——

1443. As the letters are in existence, we had better have the letters?—They can be produced, but I have not got them here.

1444. Mr. *Edward Egerton.*] You say the solicitor is here?—I wrote to him; I sent a messenger to him.

1445. Is he in the lobby?—I do not know. My instructions are in writing, if you will allow me just to explain them.

1446. Mr. *Bovill.*] When the document is here it will speak for itself, and the construction of one and another witness is so different upon a document, that I should prefer that the documents should speak for themselves?—I do not want to put a construction upon them; in fact, I decline to do so.

1447. Mr. *Edward Egerton.*] You stated just now that you wrote a letter to your solicitor?—Several.

1448. Mr. *Bovill.*] Have you sent any answer to the letters you received from Mr. Harding?—Not a single one, for the very reason that it was an attempt made to extort money.

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1449. Had you any personal communication with any person, Mr. Bartlett, or anybody else, about it?—He sent Mr. Bartlett, and I told Mr. Bartlett, that if he came again I should apply for a policeman; and I instructed my solicitor to get such evidence as would enable me to indict Mr. Harding, Mr. Bartlett, and the solicitor they employed, and since that we have not been annoyed by them.

1450. Did you say to Mr. Bartlett that he had not applied in the right quarter?—Never; I would not have any conversation with him. I said, "I do not "know you at all." I would not have any conversation with him, in short; that is the substance of it, though I cannot recollect the exact expression.

1451. Was the 500 *l.* given by you to Mr. Bethell by cheque?—Yes.

1452. In pursuance of a previous arrangement and promise by you?—In pursuance of his request, and my consent to lend it.

1453. Was it part of the terms of that request and consent upon your part, that if you obtained an appointment the 500 *l.* was not to be repaid?—No, certainly not; distinctly not.

1454. Was the 500 *l.* to be repaid to you at all events and under all circumstances?—Certainly.

1455. Has it ever been repaid?—No; I have already explained that I would be very glad if it was repaid, or any other part of the money.

1456. Was there a sum of 1,000 *l.* in addition to the 500 *l.* promised by you to be paid?—Never.

1457. Or advanced?—Never.

1458. Was there any sum agreed to be advanced or paid by you upon your appointment, if obtained, being confirmed?—No, distinctly not.

1459. Did you ever say to Mr. Harding, that you had behaved like an honourable man upon any application being made to you, or did you say whether you had carried out your arrangement?—No, I do not think I ever spoke to Mr. Harding but twice, when Mr. Bethell sent him to me; I forget what the second time was, and once when I met him in an omnibus. On that occasion he thought to speak to me, and I got out and would not have any conversation with him.

1460. What passed between you and Mr. Harding upon the first occasion of your seeing him?—Simply that he brought, as a messenger, to me that note from Mr. Bethell.

1461. Did no conversation of any sort or kind take place between you and him?—None whatever, for I did not know him; I did not know who he was; I would not have a conversation, even if I was inclined, with a stranger.

1462. You had no conversation of any sort or kind with him?—None.

1463. Nothing passed between you?—Nothing.

1464. And you treated him as a messenger; as the bearer of a note to take back an answer; is that so?—That is so.

1465. Without any conversation of any sort passing between you?—Except while I was writing the cheque in the room.

1466. Mr. *Edward Egerton.*] Are you sure that this note was in an envelope?—Positive.

1467. Mr. *Bovill.*] Was this 500 *l.* advanced in order that he might obtain you an appointment?—No.

1468. Was it in the hope that he would obtain you an appointment?—That he would interest himself if I asked him, like the other parties to whom I had lent money; I have already given you that answer.

1469. Had he stated that he would do so at the time you promised to lend him money?—He would if he could.

1470. You promised to lend him money, and he promised that he would get you an appointment if he could?—You put words into my mouth.

1471. Was that the case or not; did he promise to you that he would obtain you an appointment if he could?—That he would assist me in my application to obtain an appointment; that was not when I sent him the cheque, because I did not see him then.

1472. But previously?—Previously.

1473. And his promise to assist you then was in consequence of your application to him to assist you?—It might have been.

1474. Was it?—When I made the application, and when I received the appointment, he had gone out of this country for several months, and I had not seen

seen him, and I did not know where he was, and made no application previously to him; I simply spoke to him. After I had sent the cheque to him I never saw him for many months, until after I got the appointment. I was on circuit when I received Mr. Miller's note to wait upon him; it was forwarded from my chambers here down to Manchester, where the courts were then open for the first time.

1475. You were appointed in the month of July 1864?—On the 28th; if you will allow me I will give you the appointment.

1476. I should like to see it, if you please?

[*The same was handed in, and is as follows:*]

"Lord Chancellor.—In Bankruptcy.

"Saturday, 30 July 1864.

"Whereas, by Section 8 of the Bankruptcy Act, 1861, it is enacted that the persons discharging the duties of chief registrar, registrars, taxing master, and official assignees of the Court of Bankruptcy in London, and in the several district courts of bankruptcy, shall retain and hold office during good behaviour, subject to dismissal by the Lord Chancellor, by order, for some sufficient reason to be set forth in such order, and that upon any vacancy in the office of registrar such vacancy shall be filled up by the Lord Chancellor. And whereas a vacancy has occurred in the office of one of the registrars in the country, by the retirement of Henry Sedgwick Wilde, Esq., one of the registrars of the Leeds District Court. Now, in pursuance of the aforesaid Act, and by virtue of the authority vested in me, I do order that the said vacancy be filled up, and I do hereby appoint Patrick Robert Welch, Esq., barrister-at-law, to be a registrar in the Court of Bankruptcy to act in the country in the place of the said Henry Sedgwick Wilde, and I do attach the said Patrick Robert Welch to the Court for the Leeds District."

"*Westbury*, C."

1477. Mr. *Bovill.*] The appointment appears to have been engrossed in blank, in the handwriting of a copying clerk or a stationer, is not that so?—I believe it is usually done so; I do not know, myself.

1478. Never mind about what is usually done; that is the fact, is it not, in this case?—It might be a private clerk.

1479. Either a clerk or a stationer?—I presume so; I do not know the Lord Chancellor's handwriting.

1480. I dare say you know enough about it to say that the appointment appears to have been engrossed in blank?—I should say so; and my name was put in afterwards.

1481. Mr. *Edward Egerton.*] The Christian name is in a different handwriting?—Yes, in Mr. Miller's hand, I think.

1482. Mr. *Bovill.*] Do you find that some of the blanks appear to be filled up by Mr. Miller?—I think all of them.

1483. Except the word "Welch"?—Yes; this word "Welch" seems to be in a different hand.

1484. Do you recognise that writing as agreeing with any other writing upon the paper?—No; except as has been observed to me by Mr. Edward Egerton, that it bears a similarity, as regards the ink, to this (*pointing to the paper*). I should be sorry to say it was the same writing.

1485. The word "Welch" rather appears to be in the Lord Chancellor's writing?—I do not know the Lord Chancellor's writing; when I got the appointment (if you will allow me to make the observation) I never spoke to the Lord Chancellor in my life, and I was about to wait on him to thank him for it, but Mr. Miller said I should go down the same night; I came up one night from Manchester, and went down the following day to Leeds, and so I wrote to the Lord Chancellor a note of thanks for the appointment. I never spoke to him in my life.

1486. Did you see Mr. Richard Bethell before you went down?—No, because he went out early in May, and he was not here till January or February. I did not know where he was.

1487. Then you went down?—I did.

1488. Did you remain there to the time when you saw Mr. Richard Bethell, when

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when he came down about Mr. Spirett's case? —No, I was up and down; I was about the railway, running through my property, near Eye, in Suffolk. I was obliged to go there, with valuers, engineers, and all sorts of people; very often there. I was obliged to come up and down five or six times, both from Leeds to Suffolk and here.

1488*. Were you desirous of coming to London, and having an appointment in London?—Very much so.

1489. Did you communicate that to Mr. Richard Bethell?—Certainly not; he was not in the way, or I dare say I should.

1490. When you saw him down at Leeds, did you?—Yes, I dare say I did.

1491. You did?—Yes, I have no doubt I did.

1492. What did he say; did he try and help you or not?—He would say that of course, and I believe he did say that. I have no doubt of it, but it is so difficult to recollect mere words in conversation.

1493. Can you tell us whether you applied to him for assistance or not, in obtaining a change from Leeds to London?—When I was first appointed I had hoped to be changed, and I will tell you why; there was better pay here and less work.

1494. Did you communicate that to Mr. Richard Bethell?—No; I have seven children, two of them endeavouring to get professions here, and five yet to be educated, and naturally I wished to have them all under my own roof, and under my own eye.

1495. You were desirous from the first of being changed from Leeds to London?—Yes, to have a London appointment.

1496. Did you or did you not communicate that wish to Mr. Richard Bethell? —Certainly not then.

1497. Why not?—I might have told him then; but you bring a circumstance to my recollection which I dare say I should have forgotten only for your question, if you will allow me to mention it to you; the first that I heard of the appointment being vacant in London, by Mr. Slingsby Bethell's promotion ——

1498. I was going to the antecedent period; we will come to that afterwards. I want to clear it up from the earlier time. From the first you told me you were desirous to have an appointment in London?—I hoped to.

1499. From the time of your original appointment?—Yes.

1500. I understand you to say that you have no doubt that you communicated to Mr Richard Bethell that you were desirous of coming to London?—I thought your question applied to the time the vacancy occurred in London, or when Mr. Richard Bethell was down at Leeds; so that I misunderstood your question.

1501. You said that from the first, from the original appointment, you were desirous of being in London?—I hoped to be.

1502. Did you express that hope to Mr. Richard Bethell?—Certainly not then; nor to anybody else; I should think not.

1503. You gave me reasons why you were extremely desirous?—Yes, of course, and so I am still.

1504. Then why is it that you did not mention it to Mr. Richard Bethell?— Because there was no vacancy.

1505. It would be in anticipation of a vacancy?—Mr. Richard Bethell was not here for me to see him if I was in London.

1506. But you were in communication with him in May, and from the first you were desirous of being in London?—I said that, from the time he left this country till my appointment, I never heard of him, nor did I hear of him till he came over here after the reversal of the outlawry.

1507. In April or May you had told him that you were extremely desirous of being in London?—No, not at that time.

1508. Why did not you?—I thought that there was no chance of it; the Lord Chancellor would not make room for a man as a man wished it, I should say.

1509. You say that you had hoped always to come to London?—I do still.

1510. And under that hope, and, perhaps, under that expectation, did you retain your chambers in the Temple?—I will explain that to you.

1511. First of all the fact; did you?—I did not; I give you a decided answer about that, and now I will explain it, if you will allow me, in the regular way. A friend of mine was in the chambers with me; I was a member of the Inn, from whom I held the chambers; he is not a member of the Inn, and he would

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be displaced if I took my name off the books, and I have kept my name on the books, and ostensibly am liable for the rent, simply to please my friend.

1512. Have you kept a room there?—No, I have not; but when I come here I go into the chambers to write my letters, or anything in that way; I have kept no room, that is the reason.

1513. When Mr. Bethell came down to Leeds about Mr. Spirett's matter, did you hear from him as to whether anything had taken place between him and his father, the Lord Chancellor?—Not a word; I did not hear it; but I will tell you Mr. Bethell told me that it was likely that I might be removed, and I mentioned it to my wife, in point of fact, and she said, "Have you any decided hope "of it?" I said, "No, because Mr. Bethell may have no authority for making the "statement, and I have but heard it from him; I have not heard about it in the "way that I heard of my first appointment, through the Chief Registrar;" and I said I did not like publicly to doubt his word; but if I believed it to be correct, I should be only justified in speaking of it, if it came from Mr. Miller.

1514. Mr. *Edward Egerton.*] Was Mr. Bethell your guest when he came down to Leeds?—Yes, he was at my house. I have a house there, and I asked him to it, as I would ask any friend of mine there.

1515. Mr. *Bovill.*] Had you previously invited him, or did he come down without your knowing that he was coming?—He came down without my knowing that he was coming.

1516. Did he make any statement to you of his having been reconciled to his father, and his father having advanced him 1,000 *l.*?—No, not having advanced it him.

1517. Given him?—No, nor given him.

1518. Did he say anything as to his having been reconciled to his father?—He said that if his debts could be settled. These were private affairs, and am I to mention them?

1519. Yes, we must have them?—He said he believed that if he could have his debts settled his father would advance 1,000 *l.*, and place it in the hands of trustees, to be paid so much in the pound to his creditors, and that other friends of his would advance something more.

1520. Did you hear at that time what was about the amount of his debts?—I heard 8,000 *l.*

1521. There is one part of my question which you have not yet answered: when Mr. Bethell came down about Mr. Spirett and the outlawry, that was in December 1854, did you hear from him at that time whether he had or had not been reconciled to his father?—Not from him. I simply heard what I tell you, that if his debts could be settled for a moderate sum, his father would, towards the nucleus of a fun to which others of his friends and relations would add, give 1,000 *l.*

1522. Had you any conversation with him as to his setting apart the sum of 1,400 *l.* a year out of the salary of any offices that he expected to obtain?—He said that he would set aside 1,000 *l.* or 800 *l.* a year, but not 1,400 *l.*

1523. He said that he would set aside 800 *l.* or 1,000 *l.* a year?—Yes, and vesting it also in the hands of those trustees.

1524. Out of what was he to set aside 800 *l.* or 1,000 *l.*?—That I do not know.

1525. Did he refer to any offices which he was likely to obtain?—He said, if I was to be removed to London, he then hoped to get down to Leeds; in point of fact I have nothing to conceal about him. That is the statement that he made, as he made it to me, and I give it to you.

1526. What would be his salary as registrar at Leeds?—1,000 *l.* a year.

1527. He could not set apart 800 *l.* or 1,000 *l.* a year out of a salary of 1,000 *l.* a year?—He has other means, I am told.

1528. Do you know what other means he has?—No, I do not know; I know he could not live if he had not, and have six children and a wife.

1529. Perhaps he does not live?—Well, he exists, if you will refine it so.

1530. Do you know how he lives?—O dear me, no; I do not know.

1531. At that time you were aware, you say, that he was deeply in debt, and that he would have to set aside 800 *l.* or 1,000 *l.* a year; how came you to lend him 300*l.* after that?—It was not after that.

1532. I thought you told me it was after he came down to Leeds?—No, it was not.

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1533. Did you not tell me it was after he came down to Leeds?—No, before. Some people will talk at random, and possibly he may be one of them.

1534. Mr. Richard Bethell may be one of them?—Of course he may, I do not know.

1535. The *Lord Advocate.*] In point of fact, was it before or after?—Before.

1536. Mr. *Vivian.*] You lent him the money before?—Yes.

1537. Mr. *Bovill.*] Had you any conversation with him at that time as to his assisting you to get to London from Leeds?—No, I had not; except simply what I tell you. He said that if I got to London, he hoped to get to Leeds, distinctly. I must tell you I made an application, and I was going to tell you it awhile ago, but you interrupted me for the moment for your own purpose.

1538. I merely wish to have the matters in their proper order; will you be kind enough to state it now?—Mr. Payne, the late registrar, and predecessor of my colleague, wrote to me to say that there was a vacancy in London by the promotion of Mr. Slingsby Bethell, "and I would advise you," he said, "to "apply for it;" and I instantly applied to the Lord Chancellor for it.

1539. On what date was that?—I forget; I did not keep a copy of that letter.

1540. Was the letter to the Lord Chancellor or to Mr. Miller?—To the Lord Chancellor. I might have written to Mr. Miller too, but I forgot it; but it was to the Lord Chancellor I know, and I never received a reply to that application; and that was another reason that I did not think that I should get the appointment.

1541. Colonel *Pennant.*] What was the date of that application?—I think it was immediately after Mr. Slingsby Bethell's promotion.

1542. Mr. *Bovill.*] Did anybody tell you that you were appointed to London?—I heard that I should be appointed to London, and I heard even the name of the gentleman who was reported to follow me; but decidedly it was not Mr. Richard Bethell. I can mention the name of the gentleman who was to have followed me, if the Committee wish it.

1543. I think we had better have it?—I will give it to the Chairman of the Committee, if you please; it is a gentleman at the Bar who has been discharging for some years judicial duties, and he expects an appointment, though he has never been promised one; but he hopes to get one in consequence of his services.

1544. Had anybody told you that you had been appointed?—No; I heard it as a matter of rumour, just in the same way as I heard that that gentleman was to follow me.

1545. Had anybody promised you that you should be appointed?—No, certainly not.

1546. Mr. *Edward Egerton.*] When you said it was a "rumour," who had told you; there are not many people in Leeds who would be likely to tell you?—No, not in Leeds; I think it was in London. I was told when I was up about the railway.

1547. Mr. *Bovill.*] Had anybody promised you that you should receive the appointment?—No, not promised.

1548. Had anybody told you that you would receive it?—I was told that I was very likely to get an appointment in London, and, in fact, the gentleman whose name I have handed in, was to follow me at Leeds.

1549. Who told you that you would be very likely to get the appointment?—I declare I forget; but it is quite on my memory that I was told, although I forget the name.

1550. Where was it that you were told that you were likely to get an appointment?—It must have been in London.

1551. Do not you remember who told you?—I do not; the rumours were flying about. You know what the rumours are about the courts and Basinghall-street when I happened to be there.

1552. Was it anything more than a rumour?—Certainly not.

1553. No more than a rumour that you were likely to get an appointment?—No; but I was told of it. I should say that I was not foolish enough to believe it.

1554. Was it Mr. Miller?—Certainly not.

1555. You would not have believed it unless you were told it by somebody who was likely to have knowledge of it?— No, not if I happened to be told of it in Westminster Hall or Basinghall-street.

1556. You

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1556. You cannot bring to your memory who told you?—No. It was certainly of no final importance, because Mr. Miller had not communicated it to me.

1557. Colonel *Pennant.*] Were you told that you were going to have an appointment, or that you had already been appointed?—Going to have it.

1558. Are you sure of that?—Yes, I am certain that I was not told that I had been appointed.

1559. Mr. *Bovill.*] Are you sure that you had not received any intimation from Mr. Richard Bethell in January, or from anybody attached to the court in any way?—I am positive that I had no communicatiou from Mr. Miller.

1560. From Mr. Richard Bethell?—Mr. Richard Bethell might have mentioned it to me possibly; I do not know; he certainly did mention it to me when he was in Leeds, in the way I told you.

1561. Now let me call your attention to a letter of yours, dated the 28th of February 1865. It is in these terms, from yourself to Mr. Miller:—

"My dear Sir,

"I take the liberty to write to you as the Lord Chancellor's minister in these matters. I have been expecting to hear from you with my appointment to the London Court in the Honourable S. Bethell's place, and to which I was informed on this day week that the Lord Chancellor had that morning been kind enough to transfer to me. The Honourable Richard Bethell was here with me on last Friday and Saturday, and he told several of the Chancellor's having appointed me to London, and that he himself was to succeed me here. He thought my house here would be too small for him, so I gave notice to my landlord to leave, forfeiting one quarter's rent. So you may imagine my surprise just now on receiving a letter from Mr. R. Bethell saying the Lord Chancellor had refused to confirm my appointment. May I solicit your good offices to endeavour, with all deference to the Lord Chancellor, to induce his Lordship kindly to reconsider his refusal to appoint me to London. I would not presume to solicit his Lordship about this matter, or aught else, for I believe him to be too just to do anything without the deepest consideration, was it not that under the circumstances mentioned among others, and, to use a familiar phrase between ourselves, am placed in such a dreadful "fix." May I solicit the favour of a reply and your good offices.

"I am, faithfully yours,
"(signed) *P. R. Welch.*

"*P. S.*—If I have not said everything I ought, or anything I ought not, pray excuse it."

I just call your attention to this; you say, "I have been expecting to hear from "you with my appointment to the London Court in the Honourable S. Bethell's "place." Was it true that on the 28th of February, you had been expecting to hear from Mr. Miller with the appointment to the London Court?—I think I have mentioned already that I was informed that I should be transferred to London.

1562. Were you expecting at that time to receive the appointment?—I hoped so.

1563. "And to which I was informed on this day week, that the Lord Chan- "cellor had on that morning been kind enough to transfer me;" who told you that; first of all, is it a fact that you had been told on that day week, that the Lord Chancellor had transferred you to London?—Well, I really cannot recollect those words; but I have no doubt that the hope was father to the thought; I thought I should be.

1564. But this you see goes beyond that, because having stated the expectation, it goes on to the ground upon which that expectation proceeded, "and to "which I was informed on this day week, that the Lord Chancellor had on that "morning been kind enough to transfer me." I suppose you wrote what was correct; you would not write what was untrue?—I wrote, I dare say, what I wished to be the case; but I certainly had no official authority to state the fact that I was appointed.

1565. I only want to know the fact; this is a statement of a matter of fact, that information had been given to you that day week, that you had been trans-

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ferred to London by the Lord Chancellor, the date of the letter being the 28th of February 1865?—I forget what time Mr. Richard Bethell was down there.

1566. *Chairman.*] Could you say when Mr. Richard Bethell first went to you at Leeds?—He was only once there.

1567. When was the commencement of his visit to you?—He was only there two days.

1568. Mr. *Hussey Vivian.*] What time did he arrive in the day?—It must have been early in the day, as he came to me in the court, and then I drove him out to my house, and asked him to dine there; I will find the date for you if I can.

1569. Mr. *Bovill.*] The date was given to us by Mr. Bond, the solicitor, whose clerk has the means of fixing the date?—Was the clerk's name Morley?

1570. He did not mention the name; he said he saw him on the 24th; he must have arrived on the 23d. The 28th was on a Tuesday, and the previous Friday and Saturday were the 24th and 25th, so that you see that those are the dates; assume that he was there?—He was only one night at my house.

1571. That might be the night of the 23d or the night of the 24th, we cannot tell which?—It might be.

1572. Mr. *Edward Egerton.*] He must have slept in Leeds, because he came to you early in the morning, in the court, did he not?—I dare say he slept in Leeds the night before. Now you bring it to my memory, I should say he did.

1573. Mr. *Bovill.*] When he went to your house you say on the 24th, the Friday, and slept at your house that night, and he would be in Leeds the following day, so that he was in Leeds on Friday and Saturday?—I suppose he was; he was in Leeds two days; that is to say, the day he came and the day he went away.

1574. Just attend to this. This letter of yours is written on the 28th, which would be Tuesday?—Yes.

1575. You state in this letter, that you had seen Mr. Richard Bethell on the last Friday and Saturday, which would be the 24th and 25th, but then you go on to say, speaking of the appointment of yourself to the London Court, "and "to which I was informed on this day week that the Lord Chancellor had on that "morning been kind enough to transfer me," that would be Tuesday the 21st; from whom had you heard, on Tuesday the 21st, that the Lord Chancellor had on that morning been kind enough to transfer you to London?—I certainly did not hear it from anybody but Mr. Richard Bethell when he was down there.

1576. Do you observe, that you state that you saw Mr. Bethell when he was down there on the last Friday and Saturday?—Yes.

1577. And after having referred to that, you state, "He told several of the "Lord Chancellor's having appointed me to London, and that he himself was to succeed me here;" but in that same letter you also state, referring to the appointment to the London Court, "to which I was informed on this day week "that the Lord Chancellor had on that morning been kind enough to transfer "me?"—I could only have heard it from Mr. Richard Bethell, or I certainly should have mentioned the authority from which I got it.

1578. Had you a letter from Mr. Richard Bethell on Tuesday the 21st?—No; I only saw him in Leeds.

1579. Then you did not see him till the Friday, according to your own letter; your letter says that you had seen him on the Friday and Saturday?—Let me understand your question.

1580. Mr. *Edward Egerton.*] Just read the letter carefully over, and you will see that it is utterly impossible that that information could have been supplied by Mr. Bethell (*handing the letter to the Witness*); read your own letter carefully?—"I was informed," I say, "on this day week."

1581. That negatives the fact of its being Mr. Bethell that informed you, because you only saw him on the Friday?—No, I only saw him on the Friday; he might have written to me; I do not know.

1582. Mr. *Bovill.*] Or somebody else might have written to you; had Mr. Miller written to you?—No, Mr. Miller, on the contrary, said that if he had seen me, he would have disabused my mind.

1583. That was much later?—I may be confounding the two dates; but I recollect that distinctly.

1584. Mr. *Edward Egerton.*] You have stated as a positive fact that you had been informed that the Lord Chancellor had been kind enough to transfer you

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to the London Court on that morning, referring to the particular day, Friday; it is no hope; it is a realised expectation. You had been already transferred; it is utterly impossible that Mr. Richard Bethell could have given you that information unless he had written you a letter?—It is possible he may have written to me; I do not know.

1585. Mr. *Vivian.*] Had you been in London?—It is possible I might; I cannot say.

1586. *Chairman.*] That Tuesday on which you say you had that information, was the 21st of February; were you in town in the beginning of that week?—I might have been; I cannot recollect.

1587. Mr. *Vivian.*] Mr. Miller says, "If you had called on me when you "were in town, you would have saved yourself a deal of trouble"?—I recollect that passage.

1588. Mr. *Edward Egerton.*] If you think a moment, I dare say you will recollect it?—The Honourable Member reading a line or two brings that letter to my mind; but I cannot remember.

1589. Mr. *Bovill.*] Do you remember being in town and seeing anybody connected with the Court of Bankruptcy or with the Lord Chancellor?—No, I do not; I would tell you at once, if I could recollect it, without any hesitation.

1590. I take it for granted that you would not have written this as a fact unless it was so?—I must have been under the impression that it was correct.

1591. You would not have written this statement in your letter unless it was true, though you now cannot recollect to what circumstance it relates?—I cannot.

1592. You have no doubt that what you wrote was true?—I have no doubt of that; I should say not, certainly.

1593. As you do not know who told you, I cannot suggest any name?—It might have been Mr. Miller; that is possible, because I recollect the letter which Mr. Vivian alluded to.

1594. I suppose it was not the Lord Chancellor?—No, I never have spoken to him in my life.

1595. It was not Mr. Bethell; now who was it that told you that you had been transferred, because it does not refer to rumours, because you refer to what Mr. Bethell said afterwards?—I do not know who it could have been if it had not been Mr. Bethell.

1596. There is only one other name mentioned to us in connection with this, and that is Mr. Skirrow; did you see Mr. Skirrow?—I have seen Mr. Skirrow once in my life.

1597. When was that; was it about this time?—I cannot recollect what month it was; I think it was at the time I was first appointed.

1598. Are you in a condition to say that it was not Mr. Skirrow?—No, I do not believe it was Mr. Skirrow.

1599. It might have been Mr. Skirrow, or might it not?—I am certain if Mr. Skirrow told me I should recollect it.

1600. Why?—Because he is Mr. Skirrow, and everybody knows him as a member of a large firm heretofore, and I dare say you know him by name; and if you were asked who Mr. Skirrow was, you could tell.

1601 It was not Mr. Miller, it was not the Lord Chancellor, and you think it was not Mr. Skirrow?—I assure you I would not give you the trouble of asking me a second question if I could remember.

1602. I am perfectly certain you would not, and I am trying to assist you by putting any other name, if I can remember any other name; it was not Mr. Richard Bethell, you say?—I have said to you that Mr. Richard Bethell is the only one likely to tell me.

1603. It was a matter of some moment to you to be removed to London?—Yes, for the reasons I have told you.

1604. If you cannot give us the information, it is no use carrying further this new subject?—If I could do it I would tell you.

1605. I am speaking of what occurred on Tuesday the 21st; what was the next thing that occurred; was it Mr. Bethell coming down to Leeds?—Mr. Bethell came down to Leeds.

1606. It would be that you saw him on Friday the 24th?—That is the date which is fixed for his being there, and I admit it, although I cannot recollect it.

1607. Your letter says that on Friday and Saturday you saw him there when

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he came down to Leeds on the Friday, did you expect to see him or not?—I did not expect to see him.

1608. Several days before you had been told you were to go to London?—From that letter it appears I had been told.

1609. You had been told on the Tuesday preceding that you were to go to London?—If you recollect, the observation I made just now that if it was not Mr. Bethell told me that when I was in London; I cannot recollect the name of the person who did.

1610. What I am speaking about is this; whether, according to your letter, you had been informed on Tuesday the 21st, that the Lord Chancellor had been kind enough to transfer you to the London Court, and then Mr. Bethell came down to Leeds and you saw him on Friday the 24th?—But I had previously been in London about that railway case.

1611. What I want to know is, whether you did or did not expect Mr. Bethell down at Leeds on the Friday?—For the purpose of seeing those creditors, as I tell you; that is what took him down principally.

1612. It was in December that he came down about the creditors, was it not?—No, he was never down there but once; Mr. Bond would have a diary.

1613. Mr. *Edward Egerton.*] Mr. Bond was in your office at the time?—Yes.

1614. He was conducting a bankruptcy case before you when Mr. Bethell came?—Yes, he was.

1615. And Mr. Bethell took you, or you took Mr. Bethell into another room?—Yes; now I recollect; if you had not mentioned Mr. Bond's name I should have forgotten it; I did not know Mr. Spirett, and if I did I would not interfere with him or speak to him about Mr. Bethell's business or any other party's business, being an official there; I enquired who was the greatest friend Mr. Spirett had in the court practising before it, and I was told that Mr. Bond had more control over him than anybody else, and I spoke to Mr. Bond to arrange the matter for Mr. Spirett, and he was kind enough to do so.

1616. Mr. *Bovill.*] When you saw Mr. Bethell on the 24th, did he inform you or not whether you were to go to London?—I have not the least doubt that when he was in Leeds he told me I was to go to London, but as to telling you whether it was on the 24th or the 25th I do not know.

1617. Did he make any statement to you as to what he himself was to do?—He expected to succeed me at Leeds.

1618. Was that all, that he expected to succeed you?—Yes, that was all that I can recollect at this period of time; I am sorry I have not a diary.

1619. Did he look at your house, and see whether it would do for him?—He did, and I am sorry to say that it would not do.

1620. Upon the faith of what passed, did you actually serve a notice to quit upon your landlord?—I told my landlord that I should leave.

1621. And you forfeited a quarter's rent?—I did not ultimately forfeit it.

1622. At that very time you had given notice to quit, and you agreed with your landlord to forfeit a quarter's rent?—Yes, I told him I should leave.

1623. Do you mean to represent now that that was done upon the mere statement that Mr. Bethell expected to come to Leeds?—I had no other grounds, and I doubted those grounds afterwards, because I did not hear it officially from the Lord Chancellor through Mr. Miller, when I reflected upon it.

1624. At the time when you wrote this letter, of the 28th February, had not the matter been positively stated to you that you were to go to London, and that Mr. Richard Bethell was to succeed you?—By him.

1625. Positively stated to you?—He said so.

1626. Positively?—He said that I was to go to London, and he expected to be in Leeds; and he looked at my house to see whether it would suit him.

1627. Was it not positively stated as a settled matter, and so settled that you actually upon the faith of it went and gave notice to quit your house, and agreed to forfeit a quarter's rent?—I did not give a written notice, but it was understood so.

1628. Was not the matter stated as a positive fact, that Mr. Bethell was to go to Leeds, and that you were to come to London; and upon the faith of that you gave notice to your landlord to terminate your tenancy, and forfeited a quarter's rent?—I understood that I was to come to London; and I understood from him that he was to succeed me, or he hoped to succeed me, at Leeds. But

when

when I was in London—I may draw your attention to an answer which I gave before; the person whom I heard was to succeed me was certainly not Mr. Richard Bethell.

1629. At this time, on the 28th February, it had not been distinctly stated to you by Mr. Bethell that he himself was to succeed you at Leeds?—I believed it to be the fact, and I so understood it.

1630. Not his expectation, but that he was to succeed you?—He might have used the word "expected," or he might not; but I believed that he was to succeed me.

1631. I want to call your attention to some expressions in your own letter; there is a difference between the statement of a positive fact, and the expectation of a fact, and you acted upon that, as if it was a settled matter?—Yes; just so.

1632. You understood it to be a settled matter?—I believed it to be a settled matter.

1633. And you believed that from what Mr. Richard Bethell told you?—Yes, quite so.

1634. A settled matter that he was to come to Leeds, and that you were to go to London?—Quite so.

1635. I will call your attention to your letter, which entirely corresponds with this. Your letter goes on: "The Honourable Richard Bethell was here "with me on last Friday and Saturday, and he told several of the Chancellor "having appointed me to London; and that he himself was to succeed me here." Therefore you have now no doubt that it was the statement of the matter as a settled matter?—No doubt, as I believed it.

1636. And from the statement of Mr. Richard Bethell?—From the statement of Mr. Richard Bethell.

1637. And upon the faith of that, he looked at houses, did he not, or he looked at your house?—No, he looked at no house but mine.

1638. Did you know of his making any application, or requesting Mr. Bond to make application about any other?—He asked Mr. Bond in my private room if he knew of any house to be let that would suit him, and Mr. Bond said not.

1639. Did you, in your communication with the solicitors, also act upon the settled conviction that you were to go to London?—I certainly did not, but I was asked by the solicitors; and amongst the rest, I can recollect one, because it was a gentleman for whom I had a great respect, practising in the court; a Mr. Simpson; he said, "I am sorry to hear that we are going to lose you." And I said, "It is no such thing; I do not believe it, for I have not heard of it from "the proper quarter, that is from the Lord Chancellor."

1640. Can you give me the date of that?—I cannot; it was a day or two after Mr. Bethell's being there.

1641. When it was, as to the day, you cannot tell us?—In point of fact, I can see that other people have kept a diary. I do not say for a sinister purpose; but they have kept a diary.

1642. Was it arranged that Mr. Bethell should be down there on the 3d of March?—No, it was not; that is another mistake.

1643. Did you expect him to come down to take the office of registrar on any day?—Not on any particular day. I hoped that within a week he would have come down.

1644. And did you act, in your arrangement of the business, upon that belief?—I did not, in one instance.

1645. I would just call your attention to the statement of Mr. Bond; you know Mr. Bond, I presume?—Very well.

1646. He is a solicitor at Leeds, I believe?—Yes.

1647. I will read you the statement he has made. He is asked a question, 1026. "Do you know what day of the month it was that Mr. Bethell was to "come? It would be the 3d of March.—What was to have happened on the "3d of March? Mr. Bethell was to come to be Registrar, as I understood, both "from him and Mr. Welch; I was engaged still with going on with the business I "had in the other room, therefore I cannot speak to what passed elsewhere; but I "understood from both of them that Mr. Bethell was to come on Friday, which "would be the 3d of March, and that Mr. Welch was to leave on the following "Monday; and that is confirmed by the fact that Mr. Welch and I were sitting

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" down and doing some work with the notion that it was to be the last thing we " should do. He finished a large taxation for me on the 3d of March, and here " is the allocatur for it. I quite understood at the time that that was to be the " last time I should meet him officially.—And that Mr. Bethell would be there " the next day? So I understood "?—He never understood that from me. I recollect the taxation well, and I said, I hope it will be the last bother I shall have about these taxations, for they have nearly killed me: but he never understood that from me; I can very well understand his saying so, because there are a certain set of men there who would very much wish to remove me, in consequence of my taxations; the taxations are said to be very severe.

1648. Mr. *Edward Egerton.*] Is not it a positive fact that Mr. Bethell was expected in the following week?—He did not tell me so.

1649. Mr. *Bovill.*] Was he expected within the week?—I think if what was said there was correct he would have been.

1650. When did you expect him?—Within a week, if what he said was correct; but I have no means of gauging the correctness of what is stated, and, in point of fact, I told Mrs. Welch, as I must mention her name, that I wished it, but I would not believe it, because I had not got the regular communication from the Lord Chancellor, through his official man in London, who is the head registrar.

1651. Can you tell me the date when you made that statement to Mrs. Welch?—It was the day after Mr. Bethell was there, certainly.

1652. How came you to write that you had been expecting to hear from Mr. Miller, with the appointment?—I dare say if you were to ask the question why, I could give you one out of many reasons.

1653. Did you doubt Mr. Bethell's word before, when he told you that you were appointed, and he was to succeed you?—I simply doubted it upon the grounds that I had not received the intimation that I expected, if I was to be removed, from the Lord Chancellor, through the proper officer.

1654. Colonel *Pennant.*] Why did you give up your house?—I did not give up my house, because I believed it, and wished to believe it; and I still wish to believe it.

1655. The *Lord Advocate.*] On the 3d of March, the day of that taxation, you could not positively believe it, because, on the 28th of February you write and say you knew that the Lord Chancellor had refused to confirm your appointment; is not that so?—That is a fact.

1656. You knew on the 28th February that the Lord Chancellor was not going to appoint you?—I applied to the Lord Chancellor for the appointment, and he did not answer me.

1657. In that letter you say, " to induce his Lordship kindly to reconsider " his refusal." After you wrote that letter on the 28th February; this is what I want to know; did anything occur after the 28th to induce you to suppose that the Lord Chancellor was going to appoint you?—No; Mr. Miller, as I recollect, disabused my mind of that impression.

1658. Therefore, after the 28th, you never had any reason to suppose that you would be transferred?—It is difficult to recollect dates, but I had not.

1659. Look at the letter again, which you saw before, and look at the last sentence of it. " May I solicit your good offices to endeavour, with all deference " to the Lord Chancellor, to induce his Lordship kindly to reconsider his refusal " to appoint me to London." That was written on the 28th, and you got a letter from Mr. Bethell, saying that the Lord Chancellor refused to give you the appointment?—I have no doubt it was so.

1660. After you received that letter, had you ever any reason to suppose that you were to be appointed to London?—I do not think I had; I am sure I had not.

1661. Colonel *Pennant.*] I understood you to say that notwithstanding what Mr. Bethell had told you, you still had some doubt about it, which you expressed to your wife?—Yes.

1662. But it seems by this letter that yougiving up yo ur house was subsequent to Mr. Bethell's being there, and to Mr. Bethell's saying that he thought your house would be too small for him?—I wished to believe that I was to be removed.

1663. Even at the time of giving up your house you still expressed a doubt?—Yes.

1664. Mr. *Bovill.*] Still you acted on the belief?—Yes, I did.

1665. Mr.

1665. Mr. *Vivian.*] I understand that you gave notice, but you did not forfeit the rent?—I gave a verbal notice, but I did not forfeit the rent.

1666. Colonel *Pennant.*] What was the "fix" that you alluded to at the end of that letter?—It is simply that I should have given up my house and be pressed for the forfeiture of the rent, and be obliged to leave, and not get an appointment afterwards, that would place me in a fix.

1667. Mr. *Bovill.*] How soon after that did you make any application to Mr. Richard Bethell for any money?—I think two or three times, I should say; in point of fact, he promised to pay me a certain sum of money at a certain time, and for a particular purpose, and the purpose was this: I said, "If I lend you "this money, 300 *l.*, I shall want the money myself to oppose this Bill in Parlia- "ment, for I know very well it is not an inexpensive matter." "You shall have the "money to meet your expenses," he said. And now the Bill is going before the House of Lords, I believe it comes on on Tuesday.

1668. Mr. *Bovill.*] Can you give me the date now when you say that you settled the account with Mr. Bethell?—No, I did not settle the account; I did not say so; I said that he owed me 1,050 *l.*

1669. Mr. *Edward Egerton.*] That was an acknowledgment?—Yes; it was a written acknowledgment.

1670. Mr. *Bovill.*] Where is the paper?—I suppose it is at home; I did not bring it with me.

1671. Have you brought your banker's book with you?—I have not brought my banker's book with me, but I will get it for you.

1672. Mr. *Vivian.*] Have you your cheque book with you?—No, not here; I could furnish you with my cheque book; I have not it here, it is at my hotel.

1673. Mr. *Bovill.*] You cannot give the date of when that acknowledgment was made?—No, I cannot.

1674. Can you tell me the month?—I should think it was early in May or in the latter end of April; I should say so.

1675. Have you ever been repaid a penny of that money?—No; I never have; I tell you that he promised me that he would pay me 300 *l.* to meet the expenses that I was incurring before the Committee of the House of Commons in the opposition to this Bill, which has cost me a large sum of money already.

1676. Mr. *Vivian.*] What became of the bill for the 500 *l.*?—It was destroyed.

1677. Who destroyed it?—I did, I suppose.

1678. Did you receive the bill back from your solicitors after it was noted?—I did then.

1679. And you destroyed that bill?—Yes.

1680. You never handed that bill back to Mr. Bethell?—No.

1681. Nor to anyone on Mr. Bethell's behalf?—No, certainly not.

1682. Mr. *Edward Egerton.*] Are you sure of that?—So far as my memory goes.

1683. It is but fair to tell you that you are contradicted upon that point?—Yes, I know I am; but, as far as my memory goes, it is as I say.

1684. Mr. *Vivian.*] You are confident that you did not hand that bill back to Mr. Bethell, or to anyone on Mr. Bethell's behalf?—I believe firmly I did not.

1685. When did you destroy the bill; did you destroy the bill on receiving it back from your solicitors, or did you destroy it when Mr. Bethell gave you the acknowledgment that he owed you 1,050 *l.*?—It must have been some time after I got it back from my solicitors.

1686. Then you did not destroy it immediately on receiving it from your solicitors?—Because I had security in this way: I had security with his indorsement on my cheque; that was an acknowledgment of the money, and his letter would show that the money was a loan.

1687. That is not a distinct answer to my question; I wish to know whether you destroyed the bill immediately on receiving it back from your solicitors, or whether you retained the bill for some time afterwards?—I believe I had it for a very considerable time.

1688. Did you produce the bill to Mr. Bethell when he gave you the acknowledgment for the 1,050 *l.*?—No; he wrote to me, and I wrote to him; I had been pressing him for the payment.

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1689. The *Lord Advocate.*] When you wrote to ask for an acknowledgment of the debt, where was the bill?—I think that my solicitors had it.

1690. Was it destroyed at that time?—I think it was at that time.

1691. Did you destroy the bill before you got the acknowledgment?—I think so.

1692. Why did you do so?—I cannot exactly say why.

1693. About when was it; the bill was in the bank, I suppose; the bank book will show what the date was?—Yes; that is the reason why I wish to refer to my solicitor for the dates.

1694. About what time was it; was it in May?—I think I got it in May.

1695. Was it in 1864 or 1865?—In 1864. I think it was a three months' bill.

1696. Then it was produced after the expiration of the three months; it must have been towards the end of August?—Yes, I think so.

1697. The bank book will show the date of the bill?—Yes, no doubt.

1698. Did it lie in the bank any time?—Yes, they had it for collection, and they kept it for some time; it must have been lying there for some short time.

1699. How long; a week?—I cannot tell, but my solicitor would be able to fix the date.

1700. Did it lie some weeks there before?—I should say some weeks before; many weeks before; I must have had it afterwards many weeks.

1701. Mr. *Edward Egerton.*] You must have some knowledge about bills of exchange in legal proceedings; a man does not generally destroy a bill till it is paid?—No, except he gets security.

1702. We want to know whether you destroyed the bill before you got the security; just think about it; it is a very material question, because I think, as a lawyer, I need not tell you that a man, with ordinary prudence, does not destroy a bill until he has some satisfaction for it; did you destroy that bill before you took the acknowledgment from Mr. Bethell?—I think so.

1703. We must have it one way or the other, because it is absurd to suppose that you had a bill of exchange for 500 *l.* and do not know when you destroyed it?—I can only speak from memory.

1704. The *Lord Advocate.*] What do you say from memory?—I believe that I destroyed the bill after keeping it some weeks.

1705. Mr. *Edward Egerton.*] Did you rely upon the honour of Mr. Bethell to discharge that debt?—Yes, I did.

1706. Though the note did not exist?—Yes, and with his name upon my cheque, and his letter acknowledging that cheque.

1707. The *Lord Advocate.*] Where is the cheque?—It is in my banker's hand; I can get it.

1708. Mr. *Vivian.*] That would have been no proof, would it, that he had liquidated that debt?—It would have been a proof that he had borrowed the money.

1709. Mr. *Bovill.*] The cheque is a proof of the payment of the money?—Just so.

1710. Mr. *Vivian.*] If the bill had not been in the possession of the person to whom it was drawn, you would have failed to have recovered, would you not?—No.

1711. Why did you destroy this bill?—I think, with great respect to you, I have already answered that in this way, by stating that I had an acknowledgment; that I had given him the cheque, and that the party in whose favour it was drawn, had endorsed it; he wrote a letter that he owed me the money.

1712. Would not your security have been improved by having in your possession that bill noted for non-payment by that party?—No doubt.

1713. What was your object, therefore, in destroying that proof?—Perhaps, I cannot exactly charge my memory with the precise object that I had in view, but I thought I should be paid it through the means of the security which I had.

1714. Did you destroy it before, or subsequent to your receiving the acknowledgment that Mr. Bethell owed you the 1,000 *l.*?—Before.

1715. Did not Mr. Bethell require that his bill should be returned when he gave you that acknowledgment for the 1,000 *l.*?—I think he did.

1716. And

1716. And what was your reply?—Let me have an acknowledgment for the money.

1717. But when he applied to you to return to him the bill he had given you for 500 *l.*, what was your reply to him?—I cannot recollect what my reply was; but I know that I got his acknowledgment in the way that I tell you; and I think that I destroyed the bill before I got the acknowledgment.

1718. The *Lord Advocate.*] I want to take you back a little in this story; you sent the bill to your solicitors for collection?—Yes.

1719. Who are your solicitors?—Messrs. Tucker and New, No. 4, King Street, Cheapside.

1720. When did you send the bill for collection, after it was due?—A short time before it was due, because I did not like to keep it.

1721. To be presented at the Bank for payment?—Just so.

1722. Mr. *Vivian.*] Was the bill domiciled?—My solicitors will answer that; I do not know the street the bank is in; it is at the corner of Fenchurch-street, I think.

1723. The *Lord Advocate.*] Is it the bank that your solicitors generally deal with?—Yes.

1724. Was it a bill of exchange; and where was it payable?—It was a bill of exchange, payable at Mr. Bethell's office.

1275. Who accepted it?—Mr. Bethell.

1726. Therefore it was put through the bank for the purposes of collection?—Yes.

1727. Mr. *Edward Egerton.*] Was it drawn in his name or your name?—It must have been drawn in the name of the acceptor.

1728. Mr. *Vivian.*] Or was it a promise to pay?—No, I think it was a bill of three months. Three months after date he was to pay to me so much, in the usual way.

1729. The *Lord Advocate.*] Your solicitor having received it for collection they put it through their own bank, in order that they might enforce the payment?—Just so.

1730. And it was noted for non-payment, I presume, being presented for payment at the place of payment, which was Mr. Bethell's office?—Yes.

1731. How long did it remain in the banker's hands?—I should think a week or 10 days, or something of that sort.

1732. Did your solicitor get the bill back?—He did.

1733. Why did you ask him to return it to you, or did you ask him to return it to you?—Because it had not been paid.

1734. What was your object in taking it out of the hands of your solicitor?—Mr. Bethell was not to be found; he was abroad.

1735. Therefore you wanted to get back this document of debt?—Yes.

1736. Is it or is it not the case that you were under any obligation to return that bill to Mr. Bethell?—There was no understanding of that sort whatever.

1737. It is, therefore, not the fact that you did return it to Mr. Bethell when you advanced the 500 *l.*, or when you got the acknowledgment?—It is perfectly untrue.

1738. It is entirely untrue that that bill was returned to Mr. Bethell at any time?—That I will not say; I rather think that I did return it to him, or destroy it.

1739. But you said you destroyed it?—I say so; either the one or the other.

1740. Mr. *Edward Egerton.*] You are quite contradicting what you told Mr. Vivian just now; you said you destroyed it?—I say so.

1741. You never said that you gave it to Mr. Bethell?—I believe that I destroyed it when it was returned to me; but Mr. Bethell was not there for months, he was gone abroad.

1742. The *Lord Advocate.*] Did you or did you not return that bill to Mr. Bethell; and if so, when?—I believe I destroyed it when my solicitors returned it to me.

1743. At all events it is quite certain that it was in the hands of your solicitors three months after the date at which it was granted?—That is my recollection.

1744. With regard to this, Mr. Harding, had you ever seen him before he came to you on the occasion that you spoke of?—Once.

1745. Where was that?—At Mr. Bethell's chambers.

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1746. And when?—I forget when.

1747. About when?—It must have been early in 1864, because I was ill on the 28th of January 1864.

1748. And was it before that?—Yes.

1749. It was before the 28th of January 1864?—I think so.

1750. And had you any business to transact with him on that occasion?—No, none. I called on Mr. Bethell, as I had business with a friend of mine in the same building.

1751. And you found him with a friend of your own?—No, when I went to see my friend, I called on Mr. Bethell, and then I saw Mr. Harding.

1752. Had you any conversation with him on that occasion?—None whatever.

1753. So that he was substantially a total stranger to you when he saw you about this advance of 500 *l.*?—Except that once when I saw him; he was a total stranger to me when he brought me Mr. Bethell's note.

1754. Where was Mr. Bethell's letter dated from?—Quality-court; from his office.

1755. Can you tell me what the date was?—I should say, and I think I am justified in saying, that it must have been the last week in April or the first week in May.

1756. Will this recall the matter to you; was it before or after you had got those testimonials from the gentlemen that you spoke of?—After.

1757. Are you quite sure of that?—Quite positive; I think so.

1758. You had made your application for your appointment, and you had got your testimonials, before you saw Mr. Harding on that occasion?—Oh dear, yes.

1759. I want you particularly to be sure about that; the dates of those testimonials are the 9th, the 11th, and the 12th of May, I think. Mr. Edward James's is the 9th of May, Mr. Udall's is the 9th of May, and Mr. Temple's is the 9th of May, and Mr. Manisty's is the 11th of May. I want to ask you, did you see Mr. Harding after you had received those letters?—Certainly not, as well as I recollect.

1760. Then it was before you received them?—Yes, I think so; it was the latter end of April or the beginning of May.

1761. But you cannot bring the date nearer?—I really cannot, or I would with pleasure.

1762. You cannot tell whether it was after you had sent in your testimonials or before?—I cannot be positive; I could only guess.

1763. Did you, in conversation with Mr. Harding on the occasion in question, refer to any arrangement between Mr. Bethell and yourself, with regard to your appointment?—No.

1764. Did you mention the subject of the appointment at all to Mr. Harding?—I did not.

1765. Did you ever see Mr. Harding again on the subject?—I saw him once, when he came with Mr. Richard Bethell's letter to me.

1766. Which letter?—A letter which he wrote to me to ask me to let him have a cheque for 500 *l.*

1767. That is the first occasion we are talking of, in May; is it not so?—It may be so.

1768. I am referring to the second time, and I want to know when it was, and whether you can fix the date of it; whether the interview about the 500 *l.* did or did not take place before you had sent in your application to the Lord Chancellor with the testimonials?—I forget exactly; it must have been so very close to the other.

1769. Can you tell me where the letter which Mr. Harding brought was dated from?—From Chancery-lane, Quality-court.

1770. Are you sure of that?—I am almost certain it was so, because I sent my note to him there.

1771. After the interview, whatever took place at it, when did you next see Mr. Harding?—Do you mean after the time I enclosed the 500 *l.* cheque?

1772. Yes?—I never saw him afterwards till by chance I was in an omnibus, going along the Strand, and he came into the other end of the omnibus; and when he saw me he came over to speak to me; but I did not wish to have any conversation with him, and I got out of the omnibus.

1773. What

1773. What did he say to you?—I saw he wished to begin a conversation, but I did not say anything to him; he said simply, "How do you do," and so on.

1774. When was this?—It was after I had got my appointment; because I recollect I was up here from Leeds.

1775. How long after?—My vacation occurred on the 10th of September, and it must have been between that and the end of my vacation on the 28th of October.

1776. Did Mr. Harding on that occasion speak to you about money at all?—Not a syllable.

1777. You got out of the omnibus, and you declined to speak to him?—Yes.

1778. When did you next see him?—Then I did not see him until I saw him here to day; but he wrote to me several letters, and those letters my solicitor has.

1779. Is it, or is it not true, that you or Mr. Bethell, to your knowledge, communicated to Mr. Harding that you and Mr. Bethell had made an agreement, that if you should get the appointment to the Leeds Court, you should pay him, or give him the 500 *l.*?—I never mentioned any such thing. I cannot say what Mr. Bethell may have done, but there was no such agreement between Mr. Bethell and me.

1780. And you never, in conversation with Mr. Harding, made any reference to any such thing?—I never did.

1781. Who is your medical attendant at Leeds?—I have none at Leeds.

1782. You are not in a state of health, when you are at Leeds, to require medical attendance?—No.

1783. Is it the case that you find the work at Leeds too much for your health?—Not too much for my health, but a great deal too much for my comfort.

1784. Did you ever say to Mr. Bond that your health was such that you could not get through your work?—I never said so.

1785. Is it the fact?—No.

1786. You do not find that your health interferes with your work?—No; if it were not for the taxation of the bills of costs, it would be all right if I had twice as much work.

1787. Have you taxed the bills of costs with considerable attention since you went there?—With very great attention, and that is one of the reasons why Mr. Bond has set his face against me. He says he loses 500 *l.* by taxation in comparison with what it was when my predecessor, Mr. Wilde, and other people, taxed his bills.

1788. You know the system there between July and October, the year that Mr. Payne was there?—Yes.

1789. And you know the system on which the previous taxations used to be made?—I do, in Mr. Wilde's time.

1790. Is yours the same, or is it a different system?—Very different.

1791. Much more strict?—Much more strict.

1792. In point of fact, have the messengers' and ushers' bills been considerably reduced since you went there?—I keep the ushers' bills and others, now, strictly according to rule; but I cut down the generality of the attorney's bills very much indeed.

1793. You said that you had no acquaintance with the Lord Chancellor?—None.

1794. Did you ever communicate with him in any way excepting by your direct applications, and sending in your testimonials?—Never.

1795. When did you first apply for promotion?—I should say, speaking from memory, in 1862 I made an application.

1796. To whom did you apply?—I sent my memorial to the Lord Chancellor when he was first made Lord Chancellor, and I think I made three applications to him; I also made an application to Lord Cranworth.

1797. When did you make an application to Lord Cranworth?—When he was in office.

1798. When he was Lord Chancellor?—Yes.

1799. But you did make an application to Lord Cranworth then?—Yes, I made it for the specific appointment of county court judge in Suffolk; but he did not give it to me, but to his cousin.

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1800. You also made an application to Lord Lyndhurst at one time?—Yes, I did, just after being called to the Bar.

1801. Did you make any application, in the course of the year 1863, to the present Lord Chancellor?—I did.

1802. Sir William Atherton, I think, you applied to for a certificate?—I did.

1803. Had you applied to him more than once?—Yes, twice.

1804. And did he comply with your wish?—Yes, both times; but I have only one copy of his letter.

1805. All the counsel whose signatures are to those certificates are very well known men?—Yes; they stand the first at the Bar.

1806. You had understood before, that without strong professional recommendation you could have no chance with the Lord Chancellor of getting an appointment?—I was told so; and that was the reason why I applied for them; I might have had them at any time, and I could have multiplied them almost to any number.

1807. And you thought that those were enough?—I thought that they were enough.

1808. Had you made your application for this appointment by sending in your certificates before you sent the 500 *l.*?—Before.

1809. The date is very important, and I want to be pretty sure of it. The question I ask you is, whether you had sent in your application, and had sent in your certificates before you were asked for or sent the 500 *l.*?—I had made the application long before, and the certificates some time after, because I was told they were absolutely essential for my success.

1810. Were the certificates sent before or after you had sent the 500 *l.*?—They might have been sent after; the dates will tell; the cheque will give the date of the 500 *l.*

1811. Mr. *Edward Egerton.*] You would have the counterfoil?—Yes.

1812. The *Lord Advocate.*] Will you look at that letter again which is on page 28 of the printed Minutes; when you wrote that letter you were aware that the Lord Chancellor would not transfer you to London?—Yes.

1813. You had no doubt about that?—I had no doubt; I was told so, and I believed it.

1814. You had no doubt when you wrote that letter; you knew that the Lord Chancellor had refused to transfer you?—Yes, but I hoped to have made interest to have induced him to reconsider his decision, if he had made a decision.

1815. Who had told you, and how had you learned that; you say by a letter from Mr. Richard Bethell; have you got that letter?—When I went home yesterday I looked for every possible letter I could get, or copy of a letter, but I was so hurried that I only could get those that I have brought.

1816. Have you got it with you?—I do not think I have it here.

1817. Will you look for it and see if you have it?—I must go back to Leeds and look for it.

1818. What I want you to tell me is this, after the date of this letter, on the 28th of February, had you ever any reason to expect that you would be transferred to London?—No, I had only a hope.

1819. Had you ever any reason to expect that you would be transferred to London after the Lord Chancellor had refused you?—None.

1820. Is it true, or can it be true, that on the 2d of March after that you announced to Mr. Bond that that was the last time you were to be there?—I never announced any such thing to Mr. Bond.

1821. Is it possible that you could have announced that, when you knew that the Lord Chancellor had refused to transfer you?—No; I recollect saying to Mr. Bond this, or something to this effect, that I hoped I should shortly get to London, for the reasons I have already mentioned.

1822. I am right in assuming that, after the 28th of February, and from that time forward, nobody ever told you that you were to be transferred?—Nobody.

1823. When was it that Mr. Miller undeceived you about it?—Mr. Miller either told me so verbally, or wrote me a letter to the effect that if I had applied to him he would have undeceived me in my expectations altogether with regard to being appointed to London.

1824. Was that in answer to the letter which you have now been speaking of?—Yes; I suppose it was in answer to my letter to Mr. Miller.

1825. That letter of Mr. Miller, dated on the 2d of March 1865, which says, "It

"It is very much to be regretted that you have all been so exceedingly prema- "ture"?—Just so.

1826. But before that you were aware that the Lord Chancellor had refused to do what you wished?—Just so.

1827. Will you tell me what is the meaning of this passage at the top of page 29, which is part of a letter of yours dated the 1st of March, "I will take an "opportunity some day of ascertaining the number I have taxed since the Lord "Chancellor was kind enough to confer the appointment upon me;" that is about the taxation of Bills?—Yes.

1828. You cannot remember who it was in London that told you previously to that that you had been appointed?—The only person that I can possibly recollect as likely to have told me that, is Mr. Richard Bethell.

1829. You have said before that it was not Mr. Richard Bethell?—I say the only person, I think, likely to have told me, because I then knew no other official but Mr. Miller and a gentleman high up in the Bankruptcy Court, who would know nothing about these matters.

1830. You are sure that it was neither of them?—I am certain it was neither of them; I think that I was told it by Mr. Richard Bethell.

1831. That is your impression now?—That is my impression now.

1832. That you had been appointed that the Lord Chancellor had agreed to appoint you?—Yes.

1833. And you believed that Mr. Richard Bethell would be your successor?—Afterwards I believed that Mr. Richard Bethell would be my successor, but not then.

1834. What do you mean by that?—When I was in London then, I heard the name of the gentleman who was to succeed me, and decidedly it was not Mr. Richard Bethell.

1835. Then it stands in this way: that you were told in London that you were to be transferred; that you think that Mr. Richard Bethell told you that in London, but that you did not at that time hear that Mr. Richard Bethell was to succeed you, but you heard the name of somebody else?—Just so.

1836. And that when Mr. Richard Bethell came down to Leeds a day or two afterwards, he then confirmed the fact of your appointment, and said that he was to succeed you; is that so?—That is so.

1837. Colonel *Pennant.*] Then you were in London the week before?—I tell you I had been up several times about this railway.

1838. Did you meet Mr. Richard Bethell in London at that time?—I think I did.

1839. The *Lord Advocate.*] Are you quite sure that you did not get that from any person, through a law stationer, or any such quarter?—No, certainly not.

1840. The rumour did not come from that quarter?—No, certainly not.

1841. The state of it is this: that when Mr. Bethell came down to Leeds he confirmed your own appointment, and said that he was to succeed you on the 24th or 25th of February?—That is when he came down.

1842. That is on the 24th or 25th of February, the Friday and Saturday which you refer to in the letter?—Yes.

1843. And before the 28th, that is to say, before the Wednesday, you had at that time heard that your information was wrong, and that the Lord Chancellor refused to transfer you?—Just so.

1844. With regard to these money matters, have you got Mr. Richard Bethell's acknowledgment of the bill?—Not with me.

1845. Have you got it at all?—Yes.

1846. What date does it bear?—It is a written acknowledgment; it is dated, I should think, just the month of May; I mentioned before that I thought it was about the early part of May.

1847. Mr. *Edward Egerton.*] Where is that acknowledgment; could you have it before the Committee?—It is in Leeds; he simply said, "I owe you "1,000 *l.*"

1848. Could your wife or somebody get at it at Leeds?—No, I think not.

1849. The *Lord Advocate.*] Was the 300 *l.* advanced in a cheque?—Yes, in a cheque.

1850. Did he give you any acknowledgment for that?—No, except indorsing it.

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1851. That was before he came down to Leeds?—Yes, before he came down to Leeds.

1852. And before there was any question of the appointment in London?—Yes.

1853. Can you remember what time that was; he was abroad at that time, I think?—No; when I gave him the 200 *l.* he was abroad. I gave him 350 *l.* in two different cheques after he came home.

1854. Can you tell me how long it was between those sums; when was the 200 *l.*?—That was when he was abroad.

1855. The 50 *l.* was after he came back?—Yes, and the 300 *l.* was after he came back.

1856. He came back, I suppose you know, in December 1864?—I thought it was in January.

1857. The 300 *l.* was about a week after you had given him the 50 *l.*?—Yes.

1858. So that probably we are not very far wrong when we say that about January 1864 you advanced the 300 *l.*?—Yes, about that.

1859. At the time you were appointed in July, was there any arrangement of any kind or description that you were to hold the office till Mr. Bethell's outlawry was recalled?—Certainly not; there could not have been, because he was not outlawed then; it was unconditionally given to me by the Lord Chancellor.

1860. Had you in July 1864, the slightest reason to suppose that Mr. Bethell would be appointed to any place?—Not the least.

1861. He had just been obliged to resign the appointment that he had?—I think he had thrown it up; he was not obliged to resign it.

1862. Had you any idea at that time that he wished to succeed you at Leeds, or at any other place?—No, none.

1863. Therefore an allegation, if such were made to that effect, is entirely an invention?—Perfectly unfounded.

1864. You had no condition attached to your appointment?—None whatever.

1865. You say that you advanced that 500 *l.* in the hope that Mr. Richard Bethell's good offices would not be wanting in recommending you to the Lord Chancellor; you had that expectation?—Yes, I had so.

1866. You say that you had lent money upon other occasions with similar expectations?—Yes, I certainly had; more than I should do again.

1867. But it is not true that you had agreed to allow Mr. Richard Bethell to keep the money in the event of your getting the appointment?—No, not a syllable of that sort.

1868. Had you any communication with Mr. Miller about these money matters?—No; certainly not.

1869. Had you any reason to suppose that he was aware that there were money matters between you and Mr. Richard Bethell?—No; he could not possibly know it.

1870. Is Mr. Miller a friend of yours?—Until he presented my appointment to me I never saw him in my life.

1871. Mr. *Edward Egerton.*] What was the inducement which made you lend this money when you knew that the bill for 500 *l.* had been protested. What made you go on lending those different sums of 300 *l.*, 200 *l.*, and 50 *l.*?—Because I thought that it would all be repaid some day; the eldest son of such a man, with such a good fortune in prospect, I thought would certainly pay that trifling sum to a brother barrister.

1872. That might have operated upon your mind at the time when you lent him the 500 *l.*, but subsequently to that those proceedings had happened in London, the outlawry, and he had quarrelled with his father?—I heard so.

1873. It was a matter of notoriety?—Yes, it was so far.

1874. What was the inducement, as a reasonable and prudent man, which made you lend him another 200 *l*, and 50 *l.*, knowing those facts, because the notice which had induced you to lend the 500 *l.*, did not exist then?—No, I had the appointment.

1875. Why did you lend it to him?—Simply because I wished to do an act of kindness, which I thought might be recouped to me at a future day.

1876. Colonel *Pennant.*] Though you had got the appointment at Leeds, you also

also wished for another appointment, did you not?—It was a trifling advance upon that.

1877. I mean an appointment in London?—Yes, I thought I should be transferred, and I should have something to give up at Leeds, and the advance in London would have been very trifling.

1878. You thought when you lent him the sum of 500 *l.* he might be induced to lend you his influence in obtaining the first appointment?—If I asked him.

1879. Did not the same sort of feeling influence you when you were lending him other sums afterwards with regard to another appointment?—I will not deny that it might; but he was abroad when I lent him the 200 *l.*

1880. He was not in a state very likely to repay you the money at that time?—I did not expect it at that time, because the 500 *l.* had not been paid.

1881. Mr. *Edward Egerton.*] Therefore it is the more necessary for you to clear up in the minds of the Committee what was the inducement to lend him that money?—No other inducement than that which I have already told you, that I hoped that if I had asked him he would be of assistance to me.

1882. When he came down to Leeds did he tell you that he was reconciled to his father?—No, he did not.

1883. He would suggest that he was reconciled to his father by the fact of his having the appointment at Leeds?—No doubt.

1884. Then it must have been in your mind that he was reconciled to his father at that time?—I thought so, for this reason, because he told me that his father would advance 1,000 *l.* to trustees for him.

1885. Was anything at that time said by you to him about the state of the debts between you; did you press for payment?—Yes, I did; and he then told me that he would repay me before the Committee met on the railway, in order to meet a portion of the expenses that I should be subjected to.

1886. Have you ever seen Mr. Richard Bethell since this question has been mentioned in the House of Commons, and this Committee appointed?—No.

1887. You state that?—Certainly I have not.

1888. You never have had any communication with Mr. Richard Bethell since the appointment of the Committee?—No.

1889. Have any letters passed between you and him?—One.

1890. May we ask the subject of that letter, if it is not private?—He asked me when I would be in town that he wished to see me; but I never answered that letter.

1891. You knew that you would be examined as a witness?—I expected I should, and that is the reason why I kept clear of everybody, because I was certain that I should be asked different questions as to what had passed.

1892. Did he allude in the letter to any evidence that you might give?—No, he merely asked me when I should be in town.

1893. Did he appoint any place of meeting in town?—No, he dated his letter from Hyde Park-gardens.

1894. That was his father's residence?—I suppose so; I was never in his residence.

1895. Is that since the subject has been mentioned in the House of Commons?—Yes, I should say so; oh, yes, it must have been so.

1896. Mr. *Vivian.*] Did you reserve any interest on these advances?—Yes.

1897. Mr. *Edward Egerton.*] The interest is running on all this time?—Yes, at 5 per cent.

1898. Mr. *Vivian.*] Are the official assignees and the messengers of the Leeds Court under your control?—No.

1899. Have you anything whatever to do with the auditing of their accounts?—I have to do with the auditing of the trade assignees' accounts, in the presence of the official assignee; they are both bound to attend me, and I am bound to be present with them.

1900. But supposing they make overcharges, or do not remit the sums which they receive to the public accounts, would that come under your cognisance?—No; if they make overcharges, I should disallow it, because there is a scale.

1901. Are you bound to disallow it?—Of course I am, to do my duty.

1902. If they charge, for instance, for journeys which they do not take?—Yes; they take very good care they do not do that now, after the sum of money which they have refunded already.

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1903. That is the duty of your office to check those charges?—I have never had one bill of that sort sent in to me; we keep strictly to the scale.

1904. If you had, what would you do?—I should object to it at once.

1905. Supposing that such practices as occurred previously occurred in your time, it would be your duty to check them?—Most certainly. With regard to what I tell you, the accounts of the trade assignee being audited in my presence by the official assignee, I have no control over the payment of money into court, or anything of that description.

1906. Do you know what money is paid into court?—No, I cannot tell you that; that is the duty of the Commissioner who checks the books.

1907. Are the messengers under your control?—No further than taxing their bills.

1908. Then it is your duty to tax their bills?—To tax all bills. It is my taxations which have brought me into such an unpleasant position with the solicitors.

1909. Are you not bound to see that they do not retain monies in their hands which they ought to pay into court?—No, not bound.

1910. Colonel *Pennant.*] Do you not think that you will be able to refresh your memory, between this and Monday, as to the person from whom you first heard of your appointment, which is referred to in your letter of the 28th?—I may perhaps do so.

1911. The *Lord Advocate.*] Will you bring with you from Leeds all the papers that you can find relative to this matter?—Yes.

Lunæ, 12° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Edward Egerton.
Mr. Evans.
Mr. Howes.
Colonel Pennant.
Mr. Vivian.

The Lord Advocate.
Mr. Bovill.

EDWARD HOWES, Esq., IN THE CHAIR.

Patrick Robert Welch, Esq., called in; and further Examined.

P. R. Welch, Esq. 12 June 1865.

1912. Mr. *Bovill.*] HAVE you been able to ascertain who it was that told you that you were appointed to London?—I am of the same opinion as I expressed on my last examination, that it was Mr. Richard Bethell.

1913. I understood you to say that it was not Mr. Richard Bethell?—I think I did not say that; I say, if anybody, it must have been Mr. Richard Bethell; I said so the other day, to the best of my recollection.

1914. Do I understand you to say now that you think it was Mr. Richard Bethell, or are you still uncertain about it?—No; I think it must have been Mr. Richard Bethell; I am convinced it was Mr. Richard Bethell, because I had no communication with any other person of position or in office, not even with Mr. Miller at that time.

1915. Were you at all desirous that the publication of the announcement of your appointment to London should be delayed, and that the announcement of Mr. Bethell's appointment to Leeds should be delayed?—No, I was not; but I applied for a county court judgeship, and I had hoped, perhaps, to get that instead of the registrarship.

1916. The *Lord Advocate.*] When was this?—This was when I thought the Bankruptcy Bill would have been carried through, and the Bankruptcy Court abolished, and that we were to be attached to the county courts.

1917. That was long after, was not it?—No; much about that time, I think.

1918. Mr. *Bovill.*] Have you got your cheques here?—Yes.

1919. Will you give the Committee the dates of the different advances?—I have been to Messrs. Child's and obtained the cheques.

1920. What was the first cheque?—For 500 *l.*

1921. The *Lord Advocate.*] What is the date of that?—It is dated "London, "6th May 1864." I did not break the seal of Messrs. Child's letter to me until now.

1922. Mr. *Bovill.*] Has that cheque been at Messrs. Child's bank from the time it was paid until you obtained it this morning?—Until half an hour ago.

1923. When it came to you in a sealed envelope?—Yes.

1924. This is a cheque drawn by P. R. Welch upon Child & Co., dated, London, 6th May 1864, "Pay the Honourable Richard Bethell or order the "sum of 500*l.* sterling, on account of P.R. Welch. 500 *l.*"?—Yes, that is the form of all their cheques.

1925. It is payable to order and endorsed "Richard Bethell," which, I presume,

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sume, is in the handwriting of Mr. Bethell?—I believe it to be his handwriting; indeed, I am sure it is.

1926. When was the next cheque?—The next sum of money was 200 *l.*, which I sent to him in France. I find that he was in Trouville at the time.

1927. How did you send that?—That was sent through the Bank of England, I think, as well as I recollect; not by a cheque.

1928. Was it by bank post bills?—Very likely.

1929. Will you let me look at them?—I have only the date, the 10th September 1864 (*producing a memorandum*).

1930. Have you got your banker's pass book, which I asked for the other day?—You did not ask for that.

1931. You might have made a mistake, or I might have omitted to ask for it; but I certainly intended to do so?—I did not understand it.

1932. Where did you get this memorandum from?—I got it from Messrs. Child's books.

1933. Have you got a copy of Messrs. Child's books?—Certainly not.

1934. Where is your banker's pass book?—It is either in my hotel, or I have left it at Messrs. Childs. I know I have brought it up.

1935. Could anybody go for it?—Nobody here could get it; I can get it in the course of the day, if you wish it.

1936. The *Lord Advocate*.] Your solicitor is here, is he not?—Yes; but I do not like my pass book to be looked through.

1937. Mr. *Bovill*.] I am so accustomed to the investigation of these matters that you can quite rely upon me, that nothing will be referred to or mentioned that does not relate to this inquiry?—I implicitly rely upon you for that.

1938. The 200 *l.* you think was sent to Trouville through the Bank of England, possibly by bank post bills, on September the 10th, 1864?—Yes, about that date; it must have been on that day, or the day before

1939. The 50 *l* you spoke of the other day appears to have been paid on the 7th of February?—Yes, there is the cheque (*handing in a cheque*).

1940. The cheque for 50 *l.* is dated the 7th of February 1865, drawn by P. R. Welch, upon Messrs. Child. "Pay the Honourable Richard Bethell, or "bearer, the sum of 50 *l.* on my account." There is no endorsement on that cheque?—I forgot to put the word "order" there; the word "bearer" is struck out in the other cheque, but I quite forgot it this time.

1941. It is not struck out in this cheque, and there is no endorsement or signature of Mr. Bethell at all upon it?—No.

1942. According to the paper you have handed in, the 300 *l.* was paid on the 27th of February, which I presume is 1865, though the year is not mentioned?—I think it is mentioned on the paper I gave you.

1943. I see it is upon the cheque, not upon the paper. The next was a cheque for 300 *l.*, drawn by P. R. Welch upon Messrs. Child, dated 27th February 1865, "Pay the Honourable Richard Bethell, or order, the sum of "300 *l.* sterling, on account of P. R. Welch," and there is the signature of Mr. Bethell on the back?—Just so.

1944. You observe the date, 27th February 1865?—It is on the cheque, is not it?

1945. But I call your attention to that particular date?—Yes, I will keep a note of it, so that I may not forgot what you wish me to remember.

1946. Mr. Bethell was at Leeds on the 24th and on the 25th of February, the Friday and Saturday?—Yes, he was there on the Friday and Saturday; I believe it was the 24t hand 25th. [Since I was before this Honourable Committee, I recollect that when Mr. Bethell came to Leeds, he asked me to sign his letter of licence; I refused, upon the grounds that I would not, for any conideration, have the Chancellor to know that I had lent him (Mr. Bethell) any money, and that I would take another security; to this Mr. Bethell assented.]

1947. On the 21st, according to your letter, you had been told that you were appointed to London?—I had, and I believed it.

1948. And you had been anxious to go to London?—Yes, most certainly, for the reason I told you on Saturday.

1949. Had this payment of 300 *l.* any connection or not with your being transferred to London?—Not the least.

1950. You

1950. You notice the dates?—I observe them perfectly well, and I perceive why you directed my attention to it now; it had not the least connection. It is not a very pleasant thing to talk over one's own private business; but perhaps you will allow me to refer to some portion of my evidence on Saturday, for a moment.

1951. By all means?—When I saw my solicitor, on Saturday night, at 10 o'clock (he had been down to St. Leonards), he reminded me that I had asked them (himself and partner) to borrow a sum of money for Mr. Richard Bethell, that is to say, I asked those solicitors of mine if they had any client who would lend a sum of money to Mr. Bethell; and I advanced that 500 *l.* to Mr. Bethell at the time, upon the condition that if they got it I should be repaid out of it.

1952. Mr. *Edward Egerton.*] You mean that you advanced 300 *l.*?—No, the 500 *l.*; the first sum I lent him; I asked to be allowed to make that explanation. I have to apologise to Mr. Bovill for interrupting him. There was a tenant of mine in town at the time, Mr. Hugh Rabbitt; he occupied my country house, Yaxley Hall, Suffolk. As I had not the money convenient myself, I asked him one day when he came to my chambers if he could lend me 500 *l.* He said, "I have not it in money, but I could procure it "by selling out for you, and if I do I will lend it to you with pleasure." He lent me the 500 *l.* He took me from my chambers to his brokers, Messrs. Froom, of Change Alley. They gave him a cheque for the amount, and he handed it to me, and I was to indemnify him for the loss that he suffered between purchasing in the stock and selling it out. It was that money that I accommodated Mr. Bethell with at the time, and it was to be returned to me if my solicitors succeeded in getting other money. This has all been brought to my memory since I was here on Saturday.

1953. Mr. *Bovill.*] I understand now that you had not the money of your own to lend to Mr. Bethell, but you borrowed it in the manner you have mentioned?—I had money, but I did not like to run my banking account too close.

1954. You were under the necessity of procuring the 500 *l.* to lend to Mr. Bethell, in the manner you mentioned?—Yes, it was in consequence of my tenant being in London at the time; otherwise I should not have thought of it.

1955. At that time you knew that Mr. Bethell was in embarrassed circumstances, did you not?—At that time I heard that Mr. Bethell owed about 4,000 *l.* or 5,000 *l.*

1956. And you were aware that he was not in a condition to pay it?—So I believed.

1957. Are those the only sums that you have advanced or paid to Mr. Bethell?—The only sums.

1958. Have you had any bill transactions of any sort or kind with him?—Never in my life.

1959. Did you at any time accept a bill for Mr. Bethell?—Never.

1960. Was a bill ever presented to you for acceptance?—There was; I was sitting in court with the Commissioner at the time.

1961. When was this?—If you ask me for the particular date of that, I can only say I do not know.

1962. Tell me about the time?—I know it was on a Thursday, for that is the day on which the Commissioner sits.

1963. Did the bill come from the Yorkshire Banking Company?—So the messenger informed me.

1964. Was that a bill for 300 *l.*?—It was.

1965. Dated from Paris?—Dated in Paris.

1966. Was that bill handed to you?—It was; I did not know what it was at the time I took it.

1967. By whom was it handed to you?—By one of my own clerks; he said, "There is a man here, Sir, who wishes me to give you this." I opened it and looked at it for a moment; I said "I know nothing about this." I gave him back the bill, and I said I would never sign it.

1968. Can you account for Mr. Richard Bethell drawing this bill upon you for 300 *l.* and sending it through the Yorkshire Banking Company?—I cannot, except

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except in this way, that I had lent him money before, I suppose, and he thought I should do so again; I never put my name to a bill.

1969. Did you write to him?—Certainly not.

1970. What did you do with the bill?—I gave it back to the messenger; I was going to throw it into the fire.

1971. You gave it back to the messenger?—Yes.

1972. Did you cause a letter to be written by Mr. Scott, the general manager of the Yorkshire Banking Company, about it?—I never did, and I never knew anything of that letter until I saw it in the newspapers.

1973. Has Mr. Scott since complained that you have misled him upon the subject of that bill?—I never did.

1974. Has Mr. Scott complained that you have misled him upon the subject of that bill, is my question?—Never; on the contrary, when I saw the letter in the newspaper I crossed the street to Mr. Scott to whom I had never spoken before, and I said, "Mr. Scott, I am obliged to you for contradicting "what is a base falsehood." I never put my hand in my life to a bill for Mr. Bethell.

1975. That was a bill that was drawn by Mr. Bethell upon you?—It was drawn in French, as I recollect; I do not know the exact form; I forget the exact form now.

1976. It was a bill drawn upon you?—He wanted me to accept it, I know.

1977. It was drawn upon you then?—Of course it would be.

1978. And it came from the Yorkshire Banking Company?—Yes; of course. I have been often asked to accept bills for friends, and I never did so. If he asked me to lend him money I would, but I would not accept a bill for him.

1979. After Mr. Richard Bethell had been down at Leeds, and you had seen him on the 24th and 25th of February, the Friday and Saturday, did you tell a messenger or messengers that Mr. Bethell would take the Court business on the following Friday?—I never did.

1980. Nor anybody else?—No; I did not tell anybody else.

1981. You did not tell anybody else that he would take the Court business on Friday?—Not at all, because I was not at all certain of it.

1982. Did you say that you thought he would?—I am certain I did not, for I am not in the habit of speaking to the messengers in a confidential way. One of the most respectable solicitors practising there, a Mr. Simpson, came up to me (how the report got about I do not know, except it was through Mr. Bond's clerk, a man of the name of Morley, who, I understand, sent it to the newspapers) and said, "I am sorry we are going to lose you, sir." "How is that," I said. "I "understand you are going to London," he answered. "No such thing," I said. That was the day afterwards, or the day but one or two. I said that because I did not give full credit to it until I heard it from the proper official authority—that is, my superior, the Head Registrar.

1983. Did you know Mr. Cariss, of Leeds?—Very well.

1984. Did you tell him that Mr. Bethell would take the business on Friday?—I never did.

1985. On the 24th of February, did you ask Mr. Cariss to adjourn some business to the following Friday?—No, certainly not.

1986. You answered "No," before the question was out of my mouth?—I thought you had asked me the question before; I thought I understood you perfectly, but I will wait your full time now, and I apologise for having interrupted you.

1987. I understand you to say that you did not state to anybody that Mr. Bethell would take the business on the following Friday?—I might have said that I believed that Mr. Bethell was coming down, but not that he would take the business on any particular day.

1988. That he was coming down as Registrar?—So I heard; so he told me.

1989. Did you tell people at Leeds that he was so coming down?—I did not; I was asked by several people if that was the case.

1990. What did you say?—I said that I had heard he was coming down, and that then I should be removed, of course.

1991. Was your attention called by anybody to a paragraph in the newspaper which stated that fact?—That paragraph was put in by Mr. Bond's clerk, who is connected with the newspaper, a man of the name of Dorrossoff Morley; he

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is partly a Pole, or a Russian, or something of that sort. My attention was called to that paragraph by one of my own clerks.

1992. Were you asked whether it was correct?—I said I hoped it was; I could not tell.

1993. Your attention was drawn to a paragraph stating that Mr. Bethell had been appointed to succeed you?—My attention was called to it.

1994. And you were asked whether it was correct?—Yes, that I could not say; I said I hoped it was correct, because I knew that Mr. Bethell had told me that he would very likely be registrar at Leeds, and I should be removed, and I wished it, no doubt; I was anxiously wishing it, not so much for the increased pay as to have all my children around me under the same roof.

1995. Will you be good enough to have the banker's book brought here?—Do you wish me really to bring that book?

1996. I do indeed: these matters have become very important, because these dates are, to a considerable extent, different from those you gave the Committee before?—I only spoke from memory before.

1997. *Chairman.*] I thought you understood that we wished the banker's book to be produced?—No, it was not mentioned.

1998. Mr. *Edward Egerton.*] Have you got the acknowledgment from Mr. Bethell which you mentioned on Saturday?—I find that the acknowledgment was in a letter written to me; in the course of that letter Mr. Bethell says, "I acknowledge that I owe you 1,000 *l.*," or words to that effect.

1999. The *Lord Advocate.*] Have you not got that letter?—No, I must go to Leeds for that.

2000. I thought it was understood that you were to go to Leeds and get it; I think still you had better get it?—First of all I was with my solicitor, and yesterday I went down to Kent to look for Mr. Rabbitt, to find him with regard to the 500 *l.* he lent me at that time.

2001. Mr. *Bovill.*] Then will you be kind enough to get the banker's book from your hotel?—You shall have it in the course of the day.

2002. The *Lord Advocate.*] I want to recall to your recollection in particular that transaction about the 500 *l.*: what was the first you heard of it?—When I was asked to lend it.

2003. What was the first you heard of this transaction of advancing 500 *l.* to Mr. Bethell?—He asked me to lend it to him.

2004. When, how, and where?—In my own chambers, where he called upon me.

2005. That was before you had seen Mr. Harding, was it?—I never saw Mr. Harding, except when he came to me.

2006. Will you be so good as to answer the question?—It was.

2007. And it was in your own chambers in the Temple?—Yes, it was.

2008. Did Mr. Bethell come to you?—He has been several times there.

2009. Upon that subject of the 500 *l.*?—He has not been there several times upon that subject; he has occasionally called in as he passed by.

2010. He came to you and asked you to lend him 500 *l.*?—He did.

2011. Was he more than once in your chambers upon that subject before the time when you saw Mr. Harding?—I think so.

2012. Did he say anything to you about raising a loan of 5,000 *l.* or 6,000 *l.* at that time?—Yes, he did; out of which he was to repay me the 500 *l.*

2013. Was his statement in substance that he wanted the use of 500 *l.* in the meantime?—Yes.

2014. Until he could effect this loan of 5,000 *l.* or 6,000 *l.*?—Yes.

2015. Was anything said about an appointment at those interviews?—Nothing.

2016. It was a pecuniary transaction, and treated as such alone?—Yes; long before I lent him any money I asked him, in case I applied for an appointment, if it were in his power to assist me would he do so.

2017. You had asked him before that to interest himself on your behalf, and I suppose you hoped that he would do so?—Yes.

2018. But what I want to get at is the real substance of this particular transaction; did he come to you more than once to ask you to lend him 500 *l.* because he was in the course of raising a loan of 5,000 *l.* or 6,000 *l.*, and in the meantime he wanted money?—Yes.

2019. And you were to be repaid out of that money?—Yes.

2020. Were there any letters between you and him before Mr. Harding came

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to you?—I think not; but when I got the 500 *l.* placed to my credit by my tenant, in addition to other sums which I had at my banker's, I wrote him a note to say that I could then accommodate him if he would give me a note or bill for the amount.

2021. Then that note was written to him after you had made the arrangement with your tenant, and before Mr. Harding appeared in the business at all?—It was.

2022. Was it in reply to that, or immediately after that, that Mr. Harding brought you the bill?—He brought me the bill at that time, immediately after Mr. Bethell got my note.

2023. You wrote that note to Mr. Bethell, and in answer he sent Mr. Harding with a bill?—He did.

2024. Did you ever see Mr. Harding again until you met him in an omnibus?—Never. I had seen him once before, as I told you on Saturday.

2025. I think you told me that you had been pestered by anonymous letters lately?—Very much.

2026. Do you know anything of a clergyman of the name of Benthall; that is his name, I think?—Mr. Bartlett, you mean.

2027. He is a clergyman too, is he not?—He says so.

2028. Has he been asking you for anything?—He has been and written to me as the messenger of Mr. Harding.

2029. You say he has written to you?—Yes.

2030. Asking for what?—He has come to me also.

2030*. Mr. *Bovill.*] We must have the letters themselves?—He has been down to me at Leeds.

2031. The *Lord Advocate.*] Has Mr. Bartlett been personally to you?—Yes.

2032. What did he say when he came to you personally?—He said he came from Mr. Harding; I said, "Anything you want, put in writing and let me have it."

2033. Did he say why he came from Mr. Harding?—He never would put it in writing.

2034. Did he say why he came?—He said he came for money; that Mr. Harding claimed some money from me.

2035. Did he say what the money was, and why he claimed it?—He said it was 300 *l.*

2036. Did he explain how you happened to owe Mr. Harding 300 *l.*?—He did not.

2037. Did he make a mystery about it?—He made a very great mystery about it.

2038. He would not explain and would never put it in writing?—No, he would not explain, and would not put it in writing; I placed it in my solicitor's hands.

2039. Your solicitor is here, I think?—Yes; I sent to my solicitor and saw him, and told him how much I had been annoyed by those anonymous letters, and by Mr. Harding's application, and by a letter from an attorney that Mr. Harding employed; I sent the letters to my solicitor, and I told him that it was a conspiracy to extort money from me under the fear of threats, and asked him to look up such evidence, if it were possible to obtain it, as would support an indictment against those parties.

2040. Mr. *Bovill.*] Have you the letters here?—Do you mean the anonymous letters?

2041. No, the letters of Mr. Harding; that was another thing that you were to produce for the Committee?—I have not got them, but they will be produced.

2042. The *Lord Advocate.*] That is the letter you wrote to your solicitor, I think (*handing a letter to the Witness*)?—It is.

2043. When did you write it?—On the 9th of January last.

2044. Will you hand it in?

[*The same was handed in, and is as follows.*]

"Court of Bankruptcy, Leeds District,

"My dear Sir, "9 January 1865.

"That rascal Harding has written to me anonymously, and one letter with his own name lately, but I have not answered him, so he now tries another

another dodge, by getting some fellow of the name of 'Coyte' to write to me. I send you his letter; be so good as to write to him at once on receipt of the letter; tell him I have enclosed you his letter, which I do; ask him to write to you what he wants, and you will appear for me to any legal process he issues. He says he knows all about the matter; but warn him that you have been for some time in search of evidence of a conspiracy; say no more on that head, and when you hear from the fellow let me know.

"Yours faithfully,
"*P. R. Welch.*"

"You will see Coyte uses a threat to extort money; don't lose a moment in writing to him a stiff letter; it is time to put a stop to this blackguard annoyance, and I am certain if a detective was sent in the first instance we should have heard no more of it. Give Coyte a hint, that he may stand in a more unpleasant position than he thinks, as the whole is a mere attempt to extort money."

2045. Mr. *Bovill.*] Where are the letters which you received from Mr. Harding?—I have not got the letters; I suppose whatever was written to me I gave to my solicitor, and I also instructed him verbally; I came to London to do so.

2046. We must have all the letters?—There is only one letter referred to in this letter that has just been produced.

2047. The *Lord Advocate.*] Did you get any letters from Mr. Harding upon the subject?—I state here that I got one.

2048. That one you got from Mr. Harding?—Yes, I did get one.

2049. What did you do with it?—I suppose I sent it to my solicitor, with this letter of mine.

2050. Do you know whether you did or not?—I believe so.

2051. If you did, your solicitor would have it?—Just so. I should be very glad for the Committee to see those letters.

2052. Have you any letters whatever of Mr. Harding's in your own possession?—I have not.

2053. Will you go and ask your solicitor whether he has that letter of Mr. Harding's, which is referred to in this letter before us—(*the Witness left the room, and returned after a few minutes*)?—I have seen my solicitor, and he has looked in his black bag, and he says he has not got it.

2054. Did not you give me a copy of that letter on Saturday?—That which I gave you on Saturday was from Mr. Harding's solicitor.

2055. That is Mr. Coyte?—Yes, Mr. Coyte.

2056. Mr. *Edward Egerton.*] Did you receive any letter from Mr. Harding in these terms: "Dear sir, these transactions are carried out; you promised that I should have a share, and therefore you ought to pay me 333 *l.* 6 *s.* 8 *d.*"?—That was the demand he made.

2057. Did you receive that letter in writing from Mr. Harding?—I do not recollect it.

2058. *Chairman.*] Or anything to that effect; you will see what Mr. Harding stated in his evidence at Question 1186 (*handing a copy of the evidence to Witness*)?—It is very likely, for he made a demand of that kind upon me.

2059. Mr. *Edward Egerton.*] Surely you can recollect whether you had a letter from Mr. Harding?—I had a letter from Mr. Harding; I refer to it in this letter.

2060. Did he make that specific claim upon you?—I daresay that is the very claim he made upon me; but it is a perfect falsehood that there was any understanding about it.

2061. Then, when Mr. Harding went further on to say that he spoke to you about getting a third of the 1,000 *l.* that is also false?—Yes; perfectly untrue.

2062. The *Lord Advocate.*] You have received on various occasions certain anonymous letters. I show you a quantity of envelopes with printing upon them (*handing some envelopes to the Witness*)?—Yes; those I sent to my solicitor.

2063. You received all those things?—Yes.

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2064. And you sent them to your solicitor?—Yes, and I believe more, too; I was thoroughly disgusted with them.

2065. Do you know where these came from?—I believe they came from Mr. Harding; I charged him with it. When he attempted to speak to me here on Saturday, I declined to have any conversation with him; but I charged him with writing those impertinent anonymous letters to me.

2066. I find that I have here a letter, signed by Mr. Coyte, and addressed to P. R. Welch, Esq., Registrar of the Bankruptcy Court, Leeds; it is this:

"12 Lincoln's-inn-fields,
"Sir, "7th January 1865.

"I am instructed by the Rev. Mr. Harding, of Wandsworth, to apply to you for the immediate payment of the sum of 333 *l.* 6*s.* 8*d.*, due from you to him, and I have to inform you that unless the same, together with 6*s.* 8*d.* the costs of this application, is paid to me by Tuesday morning next, I shall instruct my agents at Leeds to take steps to enforce payment; knowing as I do the whole circumstances of this case, I do most strongly advise you to settle this claim forthwith, as if not, it will lead to unpleasantness which you will for ever hereafter regret."

You received that letter?—I did.

2067. Mr. *Vivian.*] What is the date of that letter?—The 7th of January.

2068. That is the letter forwarded in this letter of yours to your solicitor, dated the 9th of January?—That is the one which I referred to before which I enclosed.

2069. The *Lord Advocate.*] You instructed your solicitors to reply to it, did you not?—I did.

2070. I have here a machine copy of the answer, dated the 10th January 1865—

"Dear Sir,

"Mr. Welch has sent us your letter of the 7th inst., and in reply we beg to say we are instructed to appear on Mr. Welch's behalf to any process you may issue. In reference to the latter part of your letter, we have to state that we have been for some time taking steps which may ultimately lead to an indictment for conspiracy against the parties concerned.

"We are, &c.,
"James Coyte, Esq." "*Tucker & New.*

Yes.

2071. Have you heard anything more since this letter was sent?—Not a word since my solicitor wrote that letter.

2072. Do you not know that Mr. Harding waited upon your solicitor not very long ago?—I heard that he did; my solicitor told me so.

2073. But you did not know of it?—I did not know of it at the time.

2074. Your solicitor can speak to that?—He can speak to that.

2075. Mr. *Bovill.*] Will you now get us the banker's book?—But I have a great dislike to expose my private affairs.

2076. *Chairman.*] It is absolutely necessary?—I will bring it.

2077. Mr. *Edward Egerton.*] The cheque which you produced for 300 *l.* was dated the 7th of February 1865?—Yes.

2078. You had seen Mr. Bethell on the 24th and 25th?—Yes.

2079. Had he stated to you that he was in want of money in the course of those interviews?—No, he had not.

2080. Was nothing said at the time when you had those interviews with Mr. Bethell as to his getting a further loan from you of 300 *l.*; he owed you then 750 *l.*?—Yes.

2081. Did anything pass about this further loan?—He simply asked me to lend it to him; I said at that time that I could not afford to advance or lend him money just then very well, because I had to meet the heavy expenses of opposing a Bill in the Houses of Commons and Lords (I am afraid it will come on on Wednesday in the Lords). "Well," he said, "if you will accommodate me with it, I will return it to you in time to meet those expenses."

2082. The *Lord Advocate.*] Are you quite sure that when Mr. Harding brought you the letter with the Bill, he had no conversation with you upon the subject?—None whatever.

2083. You

2083. You mean that he came only as a messenger?—As a messenger; he was a complete stranger to me. *P. R. Welch*, Esq. 12 June 1865.

2084. Mr. *Vivian.*] You have stated that the acknowledgment from Mr. Bethell is contained in a letter; are the other matters to which that letter refers relevant to this inquiry?—Certainly not.

2085. Mr. *Edward Egerton.*] Do you mean to say that this acknowledgment was mixed up in a letter connected with other things?—Yes.

2086. Is there no stamp upon the acknowledgment?—No.

2087. Mr. *Bovill.*] You were going to bring the acknowledgment?—Yes; but it is in Leeds; I did not bring it up with me.

2088. You have a copy of it, have you not?—No, it is in a letter; I considered that acknowledgment, together with these cheques, sufficient security.

2089. We shall want to see the acknowledgment?—Then I must go for it; I brought all the letters that the Honourable Chairman's letter required me to bring; if I had thought that you would want it, I would have brought it.

2090. Mr. *Vivian.*] Do I rightly understand that you have an I O U., or a bond of Mr. Richard Bethell's?—No, I have not.

The Rev. *George Rogers Harding*, recalled; and further Examined.

2091. The *Lord Advocate.*] HAVE you been an intimate friend of Mr. Richard Bethell's family?—No. Rev. *G. R. Harding.*

2092. Or Mrs. Richard Bethell's family?—I knew her family very well, that is politically, all my life

2093. What do you mean by politically?—I mean to say her father and I were some distance apart, about 30 miles, but we were always very great friends when we met on county affairs. I acted with him on committees and so forth.

2094. You did not know Mrs. Richard Bethell, did you?—I knew her as a child; I used to meet her as a child. I left the county before she grew up.

2095. You first knew Mr. Richard Bethell, I think you say, two or three years ago?—I think about that.

2096. Who introduced you, and how did you become acquainted?—I met a friend of mine, and he was speaking of Mr. Richard Bethell.

2097. Who was your friend?—A Mr. Hodges.

2098. Who is he?—He is a gentleman.

2099. Cannot you give me any better description of him than simply his name?—I cannot give you any other description of him; he is travelling now; but he is a gentleman I have known for some years.

2100. Where does he live?—He used to live at Ramsgate: he was consul there, I think.

2101. He introduced you to Mr. Richard Bethell?—No.

2102. What then?—He was with a party, and I was with him, and they were speaking of Mr. Richard Bethell; I said, "He married Miss Luttrell; I have a great respect for the family, and I should like to know him."

2103. And you were introduced?—I was introduced.

2104. Was that in the year 1863?—I cannot say; it was about a couple of years ago.

2105. Was not it in the year 1863?—I cannot say within a month or two of that; I cannot say. It may be 1862 or 1863. I told you it was about two years ago; I do not wish to prevaricate anything; what I state will be the truth.

2106. I understand that you come here because you have been compelled to come, and you regret the necessity?—Certainly; it is contrary to my wishes to come.

2107. You have been engaged in pecuniary matters with Mr. Bethell, besides this one, I suppose; I think you stated so?—Only what I stated the other day, that I put my name to a bill for him.

2108. To one bill only?—I do not think I ever put my name to more than one bill, but I gave him a note with regard to another that I would see it paid; one was I think for 250 *l.* or 350 *l.*; 250 *l.*, I think; but they were all paid, and that was honourably met.

2109. How many did you say there were, two or three?—I put my name to

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one bill, and I gave a note to him for one or two others. I do not know whether it was one or two at the moment.

2110. They were all for Mr. Richard Bethell's benefit, and not for yours?—Certainly.

2111. You did not, upon those occasions, make any bargain for having a share of the amount for which you accepted?—No, I told you it was for his accommodation, not mine; certainly not for mine.

2112. Are you in the habit of making such arrangements as the one you spoke to the other day, by which you got 333 *l.* 6 *s.* 8 *d.*?—I never did before, and I did not do it then strictly speaking, it was only that he asked me to take it; I went in to his office at the time he was in Quality-court, and all arrangements having been made previously, he gave me a note to Mr. Welch, for me to go down and speak to him about it; for what cause, whether he did not trust him or not, I do not know.

2113. I am going to ask you about that presently; meanwhile, you said you came here unwillingly, and only because you were compelled?—Yes.

2114. Do you know Mr. Smith, Mr. Bethell's solicitor?—Yes.

2115. Have you seen him lately?—No, I have not seen him for a fortnight, I think.

2116. You saw him about a fortnight ago?—Yes.

2117. Did you call upon him?—Yes.

2118. For what purpose?—When I heard this Committee was going to sit I considered that my evidence might be injurious, and I said to him, I should be very sorry for anything to occur from my evidence, and I should be very glad to be out of the way, and so I should.

2119. You went to Mr. Smith to suggest that you should be out of the way?—No; I did not suggest anything. I said I should be very glad to be out of the way, and if I had thought that I should have been subpœnaed, I would have been out of the way.

2120. Why did you go to tell Mr. Smith that?—Because I wanted to get a little law out of him, he being a lawyer, and I not being a lawyer myself. I thought I should hear a little of what was going on.

2121. Did you ask him for any money upon that occasion?—Certainly not; he has got no money to give me; he has not got a farthing.

2122. Did he refer to any money?—No; certainly not. I only told him I should not have my 333 *l.*

2123. Did you say that unless that 333 *l.* was paid, Mr. Bethell would be ruined and exposed?—No; I certainly did not. I said I hoped things might not come out.

2124. Reflect a little; are you quite sure you did not say that unless that 333 *l.* was paid, Mr. Bethell would be ruined and exposed?—Certainly I did not.

2125. Did you say that you meant to forward a statement of the whole affair to Mr. Ferrand?—No; I do not know Mr. Ferrand.

2126. It is not necessary to know him?—I do not know him.

2127. In point of fact, you did not do so?—No, I did not.

2128. Nor to any man?—No; I should not have thought of doing such a thing. I would not for the world.

2129. Are you quite certain you did not say that?—Quite certain.

2130. You saw Mr. Bethell a little while ago, I think?—I did.

2131. Where was it?—We met in the City.

2132. Did you go to call upon him?—No.

2133. Have you not called upon him lately at all?—No, I have not; he has called upon me. I have called to see a friend of his, but not respecting this matter at all in any way whatever.

2134. Have you asked him lately for that 333 *l.*?—No, I have never asked him for it, for I did not think he had the money.

2135. Have you spoken about it to him?—Yes.

2136. What have you said?—I said that I thought that Mr. Welch was a very dishonourable fellow for not paying it.

2137. Did you use any threats to Mr. Bethell?—No; but he did to me.

2138. What did he say?—I said, "I hope I shall not appear." He said, "If you do appear, and give evidence, I will shoot you." I did not use any threats.

2139. You

2139. You used no threats at all?—Certainly not; not at all. I wanted to keep out of it. I said, "The fact is this, if I am called I shall give my evidence straightforwardly to the letter. I will not prevaricate; if I am in a scrape I must suffer for it, but I should hope I shall not be called." He said if I did give evidence he would shoot me.

2140. Did you call with Mr. Coyte on Mr. New?—No.

2141. Did you see Mr. New, or his partner?—Yes, with Mr. Bartlett.

2142. Mr. Coyte was not with you?—No, I do not think he was; I am certain he was not.

2143. With what object did you call upon him?—I will explain the whole of that. The fact is this, that when, after I had applied to Mr. Welch for the money, he did not reply to any of my letters, I got a friend of mine to go to him at Leeds, to ask him if he intended paying me. At that time I verily believed that I was legally entitled to the money, and, as gentlemen, both of them had told me that I should have it. My friend could get no answer from Mr. Welch, except to say that I had not applied to the right party.

2144. Who was the friend you employed?—A clergyman, the Rev. Josiah Bartlett. What he wrote to me at the time was, that the only thing Mr. Welch said was, "Mr. Harding has not applied to the right party." I said, "I am quite convinced I have, for I do not think he has handed any money to Mr. Richard Bethell, because I believe that Mr. Richard Bethell, if he had, would have given me what I was to receive."

2145. You told the Committee so the other day?—Yes; I must go on to tell you the whole of it. After this I went to Mr. Coyte, my solicitor, to recover the money, and he wrote about it, but he did not receive an answer to his letter, and then he said that he would send a writ for it. I ordered him to send one, and then he received a letter to say that there were a great many people, or some people, at Leeds that were conspiring against Mr. Welch, and that he would indict them all. Then I went down and said, "I insist upon this going on now;" upon which he said, "I may as well tell you plainly, as a lawyer, you cannot recover, and therefore it is of no use to go on."

2146. Who told you that?—Mr. Coyte. Then I went down with Mr. Bartlett to Mr. New, his solicitor, and I said, "What is this about your indicting us; a pretty thing for you to talk of indicting us! to behave in this sort of dishonourable way, and then threaten us with an indictment because you do not pay! I find that because we cannot legally proceed against you, I must be a loser." That is what I said; I tell you everything, and now you can go on to something else.

2147. Is that everything?—Yes.

2148. Did nothing take place at the interview with Mr. New but what you have told the Committee?—That was the substance of what took place; that was the whole substance of it.

2149. As you were leaving Mr. New on that occasion, did not you turn back and whisper to him, "Have you nothing to say to me in confidence"?—I do not think I did; I am nearly sure I did not.

2150. Are you quite sure you did not?—I am nearly certain of it; I believe I did not. I think it is a subject that I should have remembered if I had, but it is not likely I should have gone into the enemy's camp and said so.

2151. Who is this clergyman you sent down to Leeds?—Mr. Bartlett, the Reverend Josiah Bartlett.

2152. Why did you choose a clergyman to go and ask for payment of this money?—Because I thought that we were all acting as gentlemen, and a clergyman would be a proper person to act between us.

2153. You thought that he was the most appropriate person to send down upon the subject?—The fact is this, I had consulted him.

2154. Will you look at these (*handing some envelopes and papers to the Witness*)?—Are these anonymous letters?

2155. I do not say what they are; do you know anything about them?—Are they anonymous? I never saw that, or that, or that, or that (*looking at the various envelopes*).

2156. And you know nothing about them?—I know nothing about them; I never in my life wrote an anonymous letter, and I never saw one written.

2157. The question is, you know nothing of them?—I know nothing of them; I never heard of them or saw them.

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2158. Distinctly, you know nothing of any of them?—I know nothing of them; I never in my life heard of them; I should think very likely it is Mr. Welch's own doing; I never wrote an anonymous letter; I never saw one written, neither would I sanction any man doing so.

2159. Colonel *Pennant.*] The postmark on this is S. W.?—How can that be, the S. is written outside.

2160. *Chairman.*] You stated just now that you never heard anything about these envelopes and papers?—Never.

2161. Of course that cannot be taken literally; when did you first hear anything about them?—When I met Mr. Welch, he said that he had some anonymous letters which I had written; I said that I never did such a thing in my life.

2162. When was that?—The day I was coming in, on Saturday; he said he had some anonymous letters; I had nothing to do with them; I beg most distinctly to say that I know nothing about them; I never saw them, and I never heard of them; I heard of some anonymous letters from Mr. Welch, but independently of that, I never heard of them until now.

2163. The *Lord Advocate.*] Will you try to recall where you were when Mr. Bethell first spoke to you about this loan of 500 *l.*?—You mean this present loan of money he had from Mr. Welch? I really could not say; I should think it is very likely it was at his own office.

2164. Had he at that time asked you to find 500 *l.* for him, or if you could find 500 *l.* for him?—I do not know that he asked me for 500 *l.* in particular; he asked me for money.

2165. Did you know that he was trying to negotiate a loan for 5,000 *l.* or 6,000 *l.*?—Yes.

2166. And that he wanted 500 *l.* in the meantim?—No; I did not know that.

2167. He did not ask you to try if you could find 500 *l.* for him?—I cannot say that he did not ask me; he asked me many times to get money for him.

2168. But not on that occasion?—Not on that occasion more than any other; whenever I saw him.

2169. He always asked you for money whenever you saw him, do you mean that?—Very frequently; we talked over money matters, and how money could be got.

2170. When this transaction with Mr. Welch took place, you were not in the course of trying to get 500 *l.* for him?—No, I was trying for a larger loan; but I may as well say he had arranged that with Mr. Welch, and I went to him with a note.

2171. I want to know what you did with Mr. Bethell yourself at this time before you spoke to him about Mr. Welch. Had you been trying to get 500 *l.* for him from other quarters?—No, I do not think I had. I tried to get 4,000 *l.*

2172. You were engaged in the 4,000 *l.* affair, were you?—Yes.

2173. But you were not trying to get him an interim loan for 500 *l.*?—I think not; not in particular; he always wanted money.

2174. Are you sure of that?—I will not be certain that I was not going to try to get him 500 *l.*, or 200 *l.*, or 300 *l.*, or any sum that could be got, because he always wanted money, but not upon any occasion like this.

2175. When did Mr. Bethell first speak to you about Mr. Welch, in connection with this 500 *l.*, and where was it, and on what occasion?—I think it was at his office. "Well," says he, "I have got some money; I can get it from a man named Welch." He gave me a letter to him.

2176. Was it the same day when he gave you the letter to Mr. Welch that he first spoke to you upon that subject?—I cannot say that; I really could not speak to it.

2177. You must speak to it?—I will not; I cannot say that; I have spoken to him about money matters so often, that I will not undertake to say. I do not prevaricate.

2178. This was the matter upon which you were to get 333 *l.*; you must remember it?—That was an after-matter.

2179. You cannot forget the circumstances; I ask you, was it the same day when he gave you that letter, that you first heard of Mr. Welch in connection with

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with that 500 *l.*?—I do not know, for he so frequently talked to me of money and money matters, that I really do not know.

2180. You have said that Mr. Bethell told you that Mr. Welch and he had settled the whole matter, was that upon the same day that you took the letter?—I could not say that either.

2181. Was it before or after the day on which you took the letter?—It was before, certainly, because when the letter was given to me, I went to speak to Mr. Welch upon it.

2182. You cannot tell the Committee whether it was the same day or not?—I cannot say whether he ever spoke to me previously about Mr. Welch or not; he may or may not have done so; I cannot say.

2183. Did he, or did he not, tell you that you need not longer try to find this 500 *l.*, because Mr. Welch was willing to lend it to him?—Not that I am aware of. I am sure that he did not, for he would have taken as many 500 *l.* as he could have got. I can answer that quite safely.

2184. He certainly did not say to you that you need not look out for this 500 *l.*?—Certainly not; he would have been glad if I could have got him ten 500 *l.*

2185. You say he would have taken as many 500 *l.* as he could have got?—Yes, no doubt, he wanted 5,000 *l.*; he would have taken as many as he could get.

2186. If so, why did you accept 333 *l.* from him?—I did not accept 333 *l.* from him.

2187. Whatever the inducement was that he promised to give you then?—It was this; if Mr. Welch carried out the arrangement with him, giving him first 500 *l.* and then 1,000 *l.*, he would have given me a third of the 1,000 *l.*

2188. Will you explain what was the consideration in respect of which that money was to be given to you?—I dare say I had assisted him in a good many things, as well as in this; perhaps he would not trust Mr. Welch; I cannot say. It was an arrangement between us, at least not an arrangement, but he offered if I would carry the note to Mr. Welch, and get the money, he would give me something; a third of the 1,000 *l.*, 333 *l.*

2189. Do you really mean to say that that 333 *l.* was to be paid to you as a reward for carrying a note to Mr. Welch?—Yes, and bringing him back the money.

2190. And that from a man who would have taken as many 500 *l.* as he could get?—Yes, he is a very liberal fellow, independently of that; no doubt he would have taken as many thousands as he could get.

2191. And you would have taken 333 *l.* from him?—I did not take any part of it.

2192. You would have done so if you could?—No, he offered me part of the 500 *l.* and I would not take it, because I thought he wanted it; if he had got the other amount, and chose to give me a part of it for working with him I should have been happy to take it.

2193. When you say "working with him," what did you do?—I have explained what I did.

2194. Have you no other explanation to give than that?—No.

2195. It was as a reward for taking a note to Mr. Welch, and bringing back a cheque that you were to receive this 333 *l.*?—I have no other explanation to give for it.

2196. I want to know what had you done for him except putting your name upon the two or three bills you have already mentioned?—I was very nearly getting a friend of mine at that particular time to carry out a loan for this 4,000 *l.*

2197. You had not done so at that time, had you?—It was in negotiation.

2198. There was no other consideration that you can suggest for this 333 *l.*?—There was no other consideration thought of at that time but that. But if he offered me 333 *l.* I was not going to be very particular as to what I had it for; if he gave it to me and said, "If you take this note and bring back that cheque, and "do these things, you shall have 333 *l.*;" of course I did not object.

2199. You knew he was very hard up for money, and yet you made an arrangement with him that you were to have one-third of the 1,000 *l.*?—I did not get it; it was to be if he got the money, and probably he did not get it.

2200. You say in your evidence, "I never had anything to do with anything "but that; I never saw Mr. Welch but twice;" is that the case?—No; that means previously; I never saw Mr. Welch during the negotiations but two or three times, and I never saw him before; I have seen him since.

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2201. You said here, "I never saw Mr. Welch but twice," is that right or wrong?—I think that was qualified; previous to the arrangement, I meant.

2202. Will you look at it; I am anxious to know whether it is correct (*handing the evidence to the Witness*)?—I have seen him since two or three times; I never saw Mr. Welch but twice at that time.

2203. Which time?—At the time when I carried to Mr. Bethell the 500 *l.*

2204. What you meant was that you only saw him twice at that time?—Certainly.

2205. Is that true?—I believe it is; certainly I could not have seen him more than three times, because I took him one note and then I saw him, and then I took him back the bill.

2206. You took the note up, and you brought back the cheque?—Yes.

2207. When did you next see Mr. Welch?—I do not know.

2208. Did you see him before you met him in the omnibus?—Yes, I did; I remember that I had seen him once before.

2209. What happened, and where was it that you saw him?—I cannot tell you where it was.

2210. What happened then?—He said "Here is a pretty go; my money is "gone."

2211. Where was this, and when was it?—I cannot tell you; I said, "I do "not know, I think Mr. Richard Bethell is an honourable fellow, and he is sure "to pay you."

2212. It is very necessary that we should be accurate about this; cannot you give me the date?—I am afraid I cannot be accurate as to the day.

2213. Attend to me; you saw Mr. Welch the day you took up the note and brought back the cheque?—Yes.

2214. I asked you when you saw him next?—A short time afterwards; it may be a fortnight, a week, or a month, a month perhaps; I cannot say.

2215. Upon that occasion a conversation took place about Mr. Bethell's money?—Yes; when he said, "Here is a nice go;" I said, "I believe Mr. "Richard Bethell is an honourable fellow; you will not be done out of your "money."

2216. Where did you see him?—I cannot tell you; I do not know. You see, the fact is this; I walk about and see men so frequently, and have conversations with them, that I cannot remember where I see them.

2217. Are you sure that when that conversation happened was the next occasion of your meeting him?—You mean in the omnibus; that was some months afterwards.

2218. Was this second time the next time you saw him after you had got the cheque from him?—I believe so.

2219. And that you think was a fortnight or three weeks afterwards?—I cannot say; it is impossible that I can say; I did not put it down; I did not keep a calendar of it; I know I did see him, and that was the conversation that occurred.

2220. Was the arrangement completed with Mr. Welch at the time you met him that second time; was it all settled?—I must ask you what you mean by the second time?

2221. When you had the conversation with him about the money being lost?—Then Mr. Richard Bethell had gone abroad; he had left, and then I suppose Mr. Welch thought his money was lost.

2222. Now, will you attend to this question. You were asked by Mr. Bovill, "Was there any other arrangement afterwards?" Your answer is, "There was, so far, an understood arrangement, that if Mr. Welch, I think, "procured the appointment he was to give up the bill, and the cheque was to be "destroyed." Then you are asked, "You mean that the bill was to be destroyed? "The bill of exchange was to be destroyed.—How was that arrangement "made? The arrangement was made previous to my taking the bill, and then "I may presume that Mr. Richard Bethell thought it was better for me also to "know what the arrangement was, that things might be properly carried out.—"Then it was Mr. Richard Bethell who mentioned the arrangement to you? "Yes.—Had you afterwards conversations with Mr. Welch upon the subject? "Yes?"—That is quite right.

2223. When had you those conversations?—When I took the bill.

2224. But

2224 But you say you had conversations afterwards?—No, it is not that; if you read it more carefully, it is when I took the bill that I had those conversations with Mr. Welch.

2225. That is what you mean by "afterwards"?—Yes.

2226. Then you are asked, "Did you know from him that he was aware of "the arrangement too? Of course they were both aware of it; it was arranged "between them"?—That is quite right.

2227. Then you mean that the conversations with Mr. Welch were after you had spoken to Mr. Richard Bethell?—I believe they had arranged before, and arranged afterwards both; Mr. Welch went up to see him afterwards.

2228. Then the conversation, in which you learned from Mr. Welch that he was aware of the arrangement, was upon the same occasion when you took up the bill?—We had two meetings.

2229. Had you two meetings with Mr. Welch before the thing was completed?—I think our first meeting was when I took my letter of introduction to Mr. Welch; then I saw him, and then I went back and took another letter with the bill, and I carried back the cheque. Those are the only times when I saw him, and then we talked over what arrangements Mr. Bethell and he had come to.

2230. You first got a letter of introduction to Mr. Welch, and then went and saw him; where did you see him?—In the Temple, at his chambers.

2231. Then you talked over the matter with him at that time?—Yes.

2232. Then you went back to Mr. Bethell, at his chambers in the Bankruptcy Court?—I do not know that I did on the same day; I do not think it was probable that I did; perhaps it was the next morning; I cannot say that, because the fact is this, that at that time I did not think any more of this than I did of any other of his transactions; he had a great many money transactions.

2233. This is a matter of some importance?—I did not think any more of it than of the others.

2234. Did you go back to Mr. Bethell the same day or another day?—Either the same day or the next morning, because it would often happen that when I came to see him, he said he wanted to be off, and asked me if I was coming back again to call to-morrow morning. Therefore I cannot say whether it was that day or the next morning.

2235. You are quite sure that there were two separate occasions on which you carried two separate notes from Mr. Richard Bethell to Mr. Welch?—I am quite sure that I carried a note once, and I am quite sure that I carried the bill, but whether I carried a note with the bill too, I do not know.

2236. There were two separate occasions on which you carried either notes or a bill from Mr. Bethell to Mr. Welch?—Yes.

2237. You have spoken of an arrangement; what was the arrangement?—The arrangement was what I stated the other day, that if Mr. Welch procured the situation or appointment, or whatever it may be, the bill was to be destroyed, and then he was to give Mr. Richard Bethell another 1,000 *l.*, and then Mr. Richard Bethell told me this, "Well," says he, "old fellow, if I get the 1,000 *l.*, "I will give you a third of it." I said, "Thank you; I am very much obliged to "you."

2238. You told Mr. Welch that that arrangement had been made?—Yes.

2239. Did you tell him so the first time you went up, or the second time?—Both, no doubt.

2240. You never saw Mr. Bethell and Mr. Welch together upon this subject at all, did you?—No, I did not.

2241. Did you, when you went to Mr. New's chambers, explain to him the nature of your claim, and state what it arose out of?—What I told him was this; that out of 1,000 *l.* Mr. Richard Bethell was going to give me a third.

2242. Did you tell Mr. New that you were to have part of a sum of money, to be paid in the event of Mr. Welch getting a place?—You are referring to Mr. New; certainly I did.

2243. You told him all about it?—As to the 300 *l.*, certainly.

2244. You told him the whole story?—I do not know that I told him the whole story.

2245. You told him that it was a sum of money to be paid to Mr. Richard Bethell in the event of Mr. Welch getting the place, and that you were to have a third of it?—Yes; he held his tongue and looked very mute; he said very little.

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2246. And you explained the whole affair?—Yes; I explained to him why the 333 *l.* was to be given to me.

2247. Mr. *Bovill.*] It is right to call your attention to this, that Mr. Welch denies the statements you have made; do you abide by them?—Yes, every thing I have said is true. You know, the fact is this: Mr. Bethell was giving 20, or 30, or 40 per cent.; then do you think it is likely that Mr. Welch, who scarcely knew Mr. Bethell (I mention this to show what his denial is worth), would let him have 500 *l.* for a mere common discount of 4 or 5 per cent.

2248. The *Lord Advocate.*] You say he scarcely knew him?—Yes.

2249. And Mr. Bethell, you say, was giving 40 per cent.?—Yes, no doubt; I do not know what he did it for.

2250. Mr *Bovill.*] It is right that your attention should be drawn to the circumstance that Mr. Welch contradicts this, and that you should be asked very distinctly whether you abide by the statements you have made; are you prepared to abide by those statements?—Certainly; I have not stated anything but what is perfectly straightforward, and without any prevarication. I would rather not have been here, but as I have come here, I have but one duty to perform, and I will perform it. I will never prevaricate, nor say a word that is untrue. It is very injurious to me, still it is better that it should be so than that I should say a word that is wrong.

2251. Are you prepared to say whether it was stated to you that the arrangement had been made as you say?—Certainly.

2252. Mr. Welch denies this arrangement; do you say that it was mentioned to you that the arrangement was as you have stated?—Certainly.

2253. It was stated by Mr. Bethell, and referred to by you in conversation with Mr. Welch?—Yes, and I carried the money; I carried the 500 *l.*, worse luck.

2254. *Chairman.*] Mr. Bethell mentioned the arrangement to you, but did Mr. Welch mention it?—I mentioned it to Mr. Welch certainly, for this reason, that it was important as regards the understanding, that if Mr. Welch got the situation the bill should be destroyed; decidedly I mentioned it, because I thought it was for Mr. Richard Bethell's favour that it should be understood that the bill should be destroyed.

2255. It may have been the understanding between yourself and Mr. Bethell that there was this arrangement, but are you quite clear that you mentioned it to Mr. Welch?—Yes.

2256. Did Mr. Welch acquiesce in it?—I consider that he did, certainly.

2257. When was that statement made by you to Mr. Welch; at your first meeting when you took the letter of introduction?—Yes, both times we talked it over.

2258. When you first took the letter of introduction, you had not the note, or bill rather, in your possession?—I do not think I had; I do not think it was till the second time.

2259. Did you take back from the first meeting the 500 *l.* cheque?—I do not think it was till the second time, because the bill was to be signed. Mr. Richard Bethell was to sign the bill.

2260. You think you mentioned to Mr. Welch what the transaction was before either the note or the cheque passed from one to the other?—Yes, certainly.

2261. Perhaps I may also call to your attention the fact, that Mr. Welch admits meeting you in the omnibus, but denies that any conversation passed?—When I met Mr. Welch, the conversation transpired exactly as I have stated it on Saturday. I said, "Well, Mr. Welch, I congratulate you upon having "got your appointment; I hope all things are made right," and he said, "I "am an honourable man; of course I shall do what is right." And with that he slipped away out of the omnibus as if he did not wish to have any more conversation.

2262. Mr. Welch denies distinctly having spoken to you; in fact, he says he avoided you and slipped out of the omnibus?—Yes, but the fact is this; previously to his slipping out of the omnibus, I went over and sat beside him.

2263. Mr. *Edward Egerton.*] He declares that no conversation passed between you?—I can only say that it did; that conversation passed which I have stated.

2264. It is right to tell you that he denies it altogether?—I am very much obliged to you, but still I can only tell you what did transpire; I congratulated him upon his appointment, as I have said.

2265. *Chairman.*]

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2265. *Chairman.*] At the intermediate meeting when Mr. Welch complained that he had lost his money, did he say that the appointment had been given away to any other person, or that he had lost the appointment?—No.

2266. Did he say anything about any appointment at the time?—No, I suppose he thought then that he should lose his money.

2267. You think that was simply from the knowledge that Mr. Bethell had left England?—Merely from that.

2268. The *Lord Advocate.*] Did you mention to Mr. Welch that it was arranged that you were to have a third of the money received from him?—Not of the 500 *l.*

2269. A third of the whole?—I was not to get a third of the whole.

2270. Did you tell him you were to get a third of the 1,000 *l.* at the meeting?—Yes.

2271. At what meeting was that?—No doubt I told him at both meetings that Mr. Richard Bethell had made the arrangement with him (Mr. Welch), and had promised that to me.

2272. You had made your arrangements for your own part?—No, I made no arrangement at all; Mr. Richard Bethell said he would give it to me.

2273. When did he say that?—When he spoke to me upon the subject, when he said, very properly and honourably, I think, "Old fellow, I will let you in "for one-third, if I get this money."

2274. That is before you saw Mr. Welch at all?—Yes.

2275. And you told Mr. Welch, the first time you saw him, that he had done so?—Yes.

2276. Mr. *Edward Egerton.*] When you took that note to Mr. Welch, did you know that he was an applicant for a situation under Government?—I did not know what he was an applicant for; I knew he was an applicant for something.

2277. Had you heard from Mr. Bethell that Mr. Welch was wanting a Government situation?—That he was wanting a situation; I did not know that it was a Government situation.

2278. You knew at that time that he was an applicant for a situation of some kind?—I did not know that it was a Government situation. I knew so far, that Mr. Bethell said to me, "He has capital testimonials; very good testimonials "indeed."

2279. Colonel *Pennant.*] Did he express any opinion as to whether he should be able to get him the appointment?—I think he said to me that his testimonials were good enough to get him anything.

2280. Did he allude at all to his own influence in getting any appointment for him?—I think he gave me to understand that his testimonials were such that he would get an appointment without his influence; and I do not think, if you ask me, that his influence was much required; but I think he may have allowed him to suppose that he used a little.

2281. Did he say anything about the exercise of his own influence in getting him an appointment?—I do not know that he said anything particularly; of course it was understood that he was to use any influence he had, if he had any.

2282. Mr. *Edward Egerton.*] Did it strike you when you took that money, that it was an inducement to Mr. Bethell to use his influence on behalf of Mr. Welch?—Yes, I should say so.

2283. Colonel *Pennant.*] Did he say how that influence was to be exercised?—No, not in any way.

2284. Mr. *Vivian.*] That was, in fact, the arrangement, was not it?—Yes, the arrangement was that if he got the situation or berth, or whatever it may be, I do not know what the term is, then the note was to be destroyed.

2285. And that a further sum of 1,000 *l.* was to be paid?—Yes.

2286. Colonel *Pennant.*] Did Mr. Welch make any remark with regard to Mr. Bethell's influence, when you mentioned to him the arrangement?—No; but I think he fully trusted in him.

2287. *Chairman.*] Did he say anything; the question is whether he made any remark upon the matter?—No, I do not know that he did, because the fact is this, that he would not enter into it with me. I do not know what he said; I only told him what was expected, and he had agreed to, and he acquiesced in my statement of what he had agreed to.

2288. Colonel *Pennant.*] You did not discuss with him the probability of his

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getting this appointment?—No, I did not know what appointment it was; I did not know where it was.

2289. *Chairman.*] And you made no representation to Mr. Welch about Mr. Bethell's influence?—No; because the arrangements were made previously to my taking the note.

2290. The *Lord Advocate.*] You merely repeated what you understood from Mr. Bethell had been previously arranged with Mr. Welch?—Yes; and he acquiesced in it.

Mr. *Benjamin Cariss*, called in; and Examined.

Mr. *B. Cariss.*

2291. Mr. *Bovill.*] ARE you a Solicitor at Leeds?—I am.

2292. Do you remember on Friday, the 24th of February, attending the court before Mr. Registrar Welch?—I do.

2293. Did anything take place between you and Mr. Welch on that day, with reference to himself or Mr. Bethell, and if so, be kind enough to state what it was?—Yes; Mr. Welch asked me on that day if I had any objection to adjourn business which was standing for the following week, to the Friday in that week, in order that it might come before Mr. Bethell, as he himself was going to London, and Mr. Bethell was to have the appointment of registrar at the Bankruptcy Court at Leeds.

2294. Was it mentioned at all when Mr. Bethell would be at Leeds, or when he would take the business there?—Yes, on the Friday following the 24th February, which would be the 3d of March.

2295. Who told you that?—Mr. Welch asked me if I would adjourn the business I have mentioned till that day, in order that it might come before Mr. Bethell.

2296. What did you say to that?—I said I should be glad to oblige him by adjourning the business if it was necessary; if it became necessary.

2297. Was it adjourned or not?—It was not.

2298. Was it necessary eventually to adjourn it?—No; because on attending on the days when the business was fixed, I found that Mr. Welch was in court.

2299. The *Lord Advocate.*] What day was this that you are speaking of?—Friday the 24th of February was the day on which Mr. Welch asked me to adjourn the business.

2300. Mr. *Bovill.*] Was the matter talked of in Leeds generally?—Yes, certainly; and I saw Mr. Bethell in court that day.

2301. On the 24th?—On the 24th; he was not in court at the time when Mr. Welch asked me, but it was before that that I saw him in court, at least, I saw a gentleman who was pointed out as Mr. Bethell.

2302. And you afterwards ascertained him to be Mr. Bethell?—Yes.

2303. Do you mean that he was attending to business, or merely that he was there?—Merely that he was there.

2304. You do not mean that he was attending to business there?—No; not by any means.

2305. *Chairman.*] Did Mr. Welch state that to you as a positive certainty, or merely as a possibility?—I did not understand it as a possibility; I understood that although Mr. Welch himself did not say he had got the appointment in London, he said he was going to London, but I understood it as certain that Mr. Bethell had got the appointment at Leeds.

2306. Colonel *Pennant.*] You say that Mr. Welch distinctly asked you to let a case stand over, as Mr. Bethell would be there?—Certainly.

2307. Mr. *Edward Egerton.*] It was not left an uncertainty as to whether he was coming?—It was not left an uncertainty at all as to Mr. Bethell; the only uncertainty on my own mind is whether Mr. Welch said he had the appointment in London. My own impression is, that he only said he was going to London, and that he did not say that he had got an appointment.

2308. The *Lord Advocate.*] When did you learn that he had not got the appointment?—A few days afterwards, by report only.

2309. You did not ask Mr. Welch about it again?—I did not.

2310. You never did?—I never asked Mr. Welch about it again.

Mr. *Henry Fuller* called in; and Examined.

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2311. Mr. *Bovill.*] YOU took a bill on Mr. Welch for 300 *l.* for acceptance, did you not?—I did; I took it from the hands of a bank messenger.

2312. The Yorkshire Banking Company's messenger?—Yes.

2313. Can you give me a date for that?—As nearly as I can make out it was in November last.

2314. November 1864?—Yes.

2315. Mr. *Edward Egerton.*] Do you remember what the form of that bill was?—It was a bill upon a printed French form, filled up in English for 300 *l.*

2316. Who was it drawn by?—By Mr. Richard Bethell upon Mr. Welch; it was drawn in Paris.

2317. Waiting for his acceptance?—Yes.

2318. How did the Yorkshire Banking Company come into possession of it?—I do not know how they came into possession of it; I will tell you what I know about it: as I said before, it was in November as nearly as I can trace from recollection, and referring to books; I was in court; it was a very busy day, and there is a screen that runs on one side to keep the public from the officials. Having business there every day we sometimes go behind the screen or else we could not get on with our business; I happened to be on the other side of the screen, and the bank messenger saw that I could have access to Mr. Welch, and he presented a piece of paper to me, and asked me if I would give that to Mr. Welch and tell him that it was from the Yorkshire Bank for his acceptance. I endeavoured to get up to Mr. Welch; there were several people standing round him, and after keeping it in my hands about a quarter of an hour I thought, as I wanted to get on with my business, I would give it to one of the officials of the court, and I gave it to a messenger's clerk.

2319. How did the Yorkshire Banking Company get possession of it?—I have been to the Yorkshire Bank about it since, and they say that it came through their hands simply to get it accepted by Mr. Welch; they say that they are in the habit of forwarding bills to any bank at a place at which they want to get a bill accepted, just as a kind of agent, in order to get a bill accepted.

2320. *Chairman.*] Did you read the bill?—I am not acquainted with the French language; I saw what was in English.

2321. What was in English; do you remember?—I do not remember the date; it was on a form printed in French and filled up in English for 300 *l.*, drawn by Richard Bethell upon P. R. Welch, Registrar in the Bankruptcy Court.

Mr. *John North*, called in; and Examined.

Mr. *J. North.*

2322. Mr. *Bovill.*] WHAT are you?—A Solicitor, practising in Leeds.

2323. On the 24th of February, were you there attending the court?—I was attending the Court of Bankruptcy.

2324. At Leeds?—At Leeds.

2325. Were you desirous of fixing an appointment with the registrar?—I could not see Mr. Welch, and was requested to wait, and I was expecting to wait some time. I asked that I might have an appointment fixed for a future day.

2326. For what day?—I asked a clerk, called Mr. Blackburn, one of the officials of the court, what day it would come on, and he said business usually taken on a Monday, for the future would be taken on a Friday. I asked the reason for it, and he said that a new registrar, the Honourable Richard Bethell, was coming, and that he was going to make that alteration in the days.

2327. Mr. *Vivian.*] Who said that?—This Mr. Blackburn, an official; I scarcely know what his position is.

2328. Mr. *Bovill.*] He is one of the officers of the court?—One of the officers of the court. There was another of the officials near him; a man called Mr. Clarke.

2329. On that day, did you see a gentleman whom you now know to be Mr. Bethell in Leeds?—I did. I left the court rather hastily, having to come to

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town. In returning to my office later in the day, I saw Mr. Welch driving a pair of ponies, and in the front seat with him there was a gentleman whom I now know to be Mr. Richard Bethell. I had not seen him before, nor have I seen him since until this morning, when I recognised him very readily, and I was told that he was the Honourable Richard Bethell.

2330. *Chairman.*] You did not hear what you have stated from Mr. Welch, did you?—I did not see Mr. Welch.

2331. You heard it from an official attached to the court?—Yes, this Mr. Blackburn, the man who keeps the public appointment books.

2332. Mr. *Bovill.*] The man you would have to make the arrangements with?—The proper man to ask such matters of; he enters up the appointments in a book.

The Honourable *Richard Bethell*, called in; and Examined.

Hon. *R. Bethell.*

2333. Mr. *Bovill.*] WERE you formerly a Registrar of the Court of Bankruptcy in London?—Yes, I was.

2334. When did you cease to be a registrar in London?—In May 1864.

2335. What was the reason of your ceasing to be a registrar in London?—You mean, I presume, the reason for my tendering my resignation. The main reason for the tendering of my resignation was, because I felt that I was in too embarrassed a position to remain in this country unless some arrangement could be made to relieve me from my liabilities. There was another reason which I may state to you. My own private reason for tendering my resignation was, that the Lord Chancellor had made me acquainted with the proceedings that were pending against Mr. Wilde, and I felt in my own mind that I could not, with any justice, ask him to extend any favour to me, or treat me in any manner different from that in which I knew he was going to treat Mr. Wilde.

2336. Did you know from the Lord Chancellor in what way he was going to treat Mr. Wilde?—I may state this. I originally acted for a couple of years as marshal to Mr. Baron Wilde when he went on circuit. The Lord Chancellor knew that both my wife and myself were exceedingly intimate with Mr. Baron and Lady Mary Wilde; and one day, in his private room, the Lord Chancellor told me that he was grieved to hear that very serious charges were being made against Mr. Wilde, and he felt that unless Mr. Wilde was able to give a satisfactory answer to those charges, he should be compelled to dismiss him. I asked the Lord Chancellor, as a favour, to let me know what the charges were at that time. What he told me was, that Mr. Wilde confessed that he had borrowed money from some of the officials of the court, and that there were some charges about his having unduly passed some official assignee's accounts to whom he was indebted. I had an interview with Sir James Wilde upon the subject, having asked the Lord Chancellor's permission to go and tell Sir James Wilde what was going on. About a fortnight after this time my own misfortune came upon me, and I never saw the Lord Chancellor subsequently to that period. But I may tell you that when I felt that I must send in my resignation, I thought that Mr. Wilde would be unable to give any satisfactory answer to those charges.

2337. Is that the reason of your having mentioned just now that, knowing the mode in which the Lord Chancellor was about to deal with Mr. Wilde, you did not think it right to continue to hold your appointment?—That was the sole reason; it made me unwilling to accede to the suggestions made by my friends, that I should make an application to the Lord Chancellor to allow me to have a deputy for a short time, in order that steps might be taken for the settlement of my liabilities.

2338. The date of your resignation was in May, was it not?—I have the letter of the Chief Registrar in my pocket, accepting my resignation. Mr. Miller writes to me:

"Dear Sir, "19 May 1864.

"I am directed by the Lord Chancellor to inform you that your resignation is accepted as from this day.

"Believe me yours faithfully,

"The Honourable R. Bethell." "*John F. Miller.*"

2339. Do

2339. Do you know how long that was before you sent in your resignation? —If you could tell me what day the 19th of May was. I suppose there are no means at hand of knowing whether the 19th of May was a Sunday or not? I sent in my resignation on a Sunday; that is to say, I gave it to Mr. Miller to send in to the Lord Chancellor. The fact is, I went and saw Mr. Miller; Mr. Miller was confined to his bed by gout, and I was unable to see him on the Saturday when he telegraphed to me to come and see him. I went and saw him at his own residence on Sunday; he was in bed, ill with the gout, and I then, contrary to his own wishes, requested him to tender my resignation, which I placed in his hands, to the Lord Chancellor. He was exceedingly desirous that I should allow him to intercede with the Lord Chancellor, and that I should not send in my resignation to the Lord Chancellor. However, I did so. Here is the letter from Mr. Miller:

> "My dear Bethell,
> "I feel very much grieved indeed in being obliged to write the enclosed" (which means the acceptance of the resignation).
> "I wrote the long letter to the Chancellor of which I read to you the draft, but after two days' consideration he tells me he feels that it is due to the public that you should resign."

I may say that Mr. Miller wrote this letter contrary to my wishes. He said, "Well I shall present your resignation to the Lord Chancellor, but at the same "time I really do think it is so hard upon you that I really must write this letter, "of which I have already read you the copy, to the Lord Chancellor, before "tendering your resignation." That is what he alludes to in this letter. Then the letter goes on,

> "With all due deference to his Lordship, I continue to think the course which I took the liberty of suggesting was really and truly the right one; although there is no denying that this being the fifth time of asking" (that is not quite correct), "it is not easy to believe in promises of amendment, and I am not therefore surprised that his faith in those should be shaken. If you could only bring this about, all might even yet be well.
>
> "Believe me yours very truly,
> "*J. F. Miller.*"

2340. Mr. *Edward Egerton.*] Saturday was May the 14th, and Thursday would be May the 19th?—I am much obliged to you, but Mr. Bovill asked me the date on which I tendered my resignation; all I can say is that it was the Sunday previous to the 19th of May.

2341. Mr. *Vivian.*] Thursday was the 19th?—Then I must have tendered my resignation on the 15th.

2342. Mr. *Edward Egerton.*] The day after the Lord Chancellor's letter?—Yes.

2343. Mr. *Bovill.*] Had the matter of your resignation been the subject of discussion with the Lord Chancellor or not before you sent in your resignation? —Not directly with me; I did not see the Lord Chancellor.

2344. Had you discussed your resignation with Mr. Miller or anybody?—No; except Mr. Skirrow.

2345. In what capacity did Mr. Skirrow act?—Only as being a very strong personal friend of my family, and he is trustee of my wife's marriage settlement. I may say that Mr. Skirrow came to me and said, "Do pray, Richard, resign. "The Lord Chancellor is in such a state of indignation that I cannot tell what "he may do; he does threaten to dismiss you," though, of course, there was no case for dismissal. That was the advice that Mr. Skirrow gave me in a hurried manner.

2346. How long before you sent in your resignation did that conversation occur?—I think about two days, as nearly as I can recollect; it must have been on a Friday. I remember receiving a letter and telegraph from Mr. Miller on the Saturday, asking me to come and see him. I was unable to go and see him on that day, but I saw him on the Sunday at his own house.

2347. At that time you were personally acquainted with Mr. Welch?—I had been acquainted with Mr. Welch for a great number of years.

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2348. Had you any pecuniary transactions with Mr. Welch at any time?—At that time?

2349. At any time?—On several occasions I had.

2350. When was the first pecuniary transaction that you had with Mr. Welch?—In May 1864.

2351. That is the month of which we are speaking?—Yes, the same month; but it was very early in the month.

2352. You had known Mr. Welch, you say, for some time; do you mean months or years?—I have known Mr. Welch since 1859.

2353. Had you been on terms of intimacy with him?—Yes; Mr. Welch and I resided in the same place, at Richmond, but we were not on terms of intimacy then. I made a sort of acquaintance with him going up and down every day by train; but I saw a great deal more of him on the Northern Circuit in 1860, when Mr. Baron Wilde went the circuit, and I dined with him once or twice there.

2354. Have you communicated to him at all your position?—That led to the first advance of money that he made to me.

2355. What did you explain to him?—Until 1864 I had had no conversation with him about my own affairs, and it was not until the early part of 1864 that I became seriously alarmed at my state of embarrassment; I then consulted Mr. Welch about it; he was exceedingly kind.

2356. What did you tell him of the state of your affairs?—I told him I feared I owed a great deal more money than I could possibly contend with, and that my liabilities were increasing from day to day; I owed money at a large rate of interest. Mr. Welch told me that he thought he knew a private firm of solicitors who would be inclined to lend me a sufficient sum of money to pay those liabilities upon which I was paying a large rate of interest, and I hoped that I then should be able to consolidate my debts, and probably be able to hold my position. Mr. Welch introduced me, at the latter end of April, I think, to Messrs. Tucker & New. I had one or two interviews with Mr. Tucker, and he led me to suppose, from time to time, that he should be able to advance me 6,000 *l.* Pending these negotiations, I became suddenly in want of a sum of 500 *l.*, and asked Mr. Welch to lend it to me. Mr. Welch told me he had not got that amount at his banker's, but that he would ask a tenant of his, a Mr. Rabbitt, a gentleman who rents his wife's place in Suffolk, I believe, to lend him the money, and that he would lend it to me. Several days elapsed, and I did not think he would lend me the money, and I applied to one or two other people for it; but one day Mr. Welch wrote to me to say that Mr. Rabbitts had sold out of the funds, although money was then very dear, and if I did not mind paying 7 or 8 per cent., he would lend it to me, and he would have to make it good to Mr. Rabbitt. That was the origin of the loan.

2357. Did Mr. Welch make any request to you to use your influence with the Lord Chancellor to obtain for him an appointment?—In 1862 I think it was; I must tell you that though I saw Mr. Welch constantly at Richmond some years ago, yet, when I was acting in 1861 as principal secretary to the Lord Chancellor, I saw very little of him. I was too much occupied; but soon after I obtained the appointment of registrar in Quality-court, Mr. Welch called upon me one day, and asked me to put him in the way of making the strongest application he could to the Lord Chancellor for preferment. Of course we discussed the sort of appointment he wanted; he was anxious to obtain a County Court Judgeship. I told him I thought there was no chance of getting that, for I knew that the Lord Chancellor had made two or three promises, but I thought there was a better chance of his obtaining a registrarship in bankruptcy. He then consulted with me as to the names of the persons from whom he could get testimonials, and he assured me that Sir William Atherton, then Attorney-General, and several leading men on the Northern Circuit, would write the strongest letters possible on his behalf. I told him that if he would get those testimonials, I had no objection at all to tell the Lord Chancellor that he was a personal friend of mine, and that I would bring his name prominently forward whenever a vacancy occurred, as one of the candidates for the office. This was done, I believe. I remember in 1863 mentioning that matter to the Lord Chancellor. The Lord Chancellor told me to tell him that there were so many candidates before him, that he was very much afraid

afraid there was very little chance indeed of his being able, during his tenure of office, to do anything for him.

2358. That was in 1862, was it?—No; it was in 1863 that I applied to the Lord Chancellor.

2359. In 1864 did Mr. Welch apply to you again?—Yes, he used to apply to me upon the occasion of every vacancy. If I could recall to my mind any vacancy at that time, I should be able to tell you, but I do not remember at this moment.

2360. Do you remember his applying to you in 1864?—He used to apply to me on the occasion of every vacancy that occurred, and he asked me whether I could get his name laid before the Lord Chancellor again amongst the list of candidates; but I do not remember at this moment whether there was any vacancy in 1864. I know that I never mentioned his name to the Lord Chancellor but on one occasion.

2361. Let me call your attention to the statement of Mr. Welch: At question 1312, he is asked, "Did you apply to him again in 1864?" that is to say to Mr. Richard Bethell, and his answer is "I did. *Q.* What time in 1864? *A.* When "I was ill, he used sometimes to come and ask how I was; that was in January "and February"?—I remember that.

2362. Then he goes on to say, "When I found myself getting better, shortly "after that I mentioned it to him; I said I should be glad if he could exercise "any influence if he would be kind enough to do it"?—I think he used to say that to me every fortnight almost; I thought that you meant upon the occasion of any specific vacancy. There was nothing beyond that general sort of conversation. Whenever he used to see me he used to say, "Have you heard of any probable vacancy?" but I do not remember his at any time asking me to go and make a direct application for him.

2363. In 1864 did you mention his name to the Lord Chancellor?—No, certainly not.

2364. Did you promise him that you would do so?—I may have told him that if I saw there was any reasonable chance of succeeding I would do so; beyond that I never made any direct promise.

2365. When you had a conversation with the Lord Chancellor upon the subject of Mr. Wilde, did you, on that occasion, mention the name of Mr. Welch?—No, certainly not; I never mentioned his name to the Lord Chancellor except in an incidental manner; it is a very curious thing which recalls it to my recollection, and I may as well state it to the Committee. Mr. Welch had an estate for sale in Suffolk, which he had acquired in right of his wife; and he was exceedingly anxious that I should induce the Lord Chancellor to purchase this estate. The Lord Chancellor was at that time desirous of having a manor in Suffolk; he is very fond of shooting, and I thought that this estate might suit him. Mr. Welch sent me drawings and plans of the estate, and I remember showing them to the Lord Chancellor, and his asking me to whom the estate belonged, and to get him all the particulars about it. I said, "The estate belongs to a gentleman at the "bar, who is a candidate for office before you." He said, "What is he a candidate "for?" I said, "He wants to be a registrar in bankruptcy." The Lord Chancellor then made this observation, "Poor fellow, tell him I am afraid there is very little "chance for him."

2366. The *Lord Advocate.*] When was this?—This was in 1863. This affair about the estate is what recalls it to my recollection; it was an estate near Sir Edward Kerrison's.

2367. Mr. *Bovill.*] Will you be good enough to state whether Mr. Welch advanced you any money in May 1864, and will you state the particulars connected with that loan?—I have already stated that in May 1864, pending the negociations made by Mr. Welch on my behalf with Messrs. New & Tucker, I applied to Mr. Welch to lend me 500 *l.* Mr. Welch told me that he had not the money, but that he would ask a tenant of his, a Mr. Rabbitt, to lend him the money; and I dare say 10 days elapsed before I got a letter to say that Mr. Rabbitt had sold out.

2368. I want to take it up after that statement?—He lent me no money in May 1864, after that.

2369. At present you have not told us the particulars of the advance?—One day I received a letter, when I was sitting in Quality-court as registrar, from

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Mr. Welch, to the effect that if I would call at his office, on that same day, in the Temple, and bring a promissory note, if I did not object to paying 7 or 8 per cent., he would give me a cheque for the money. Do you wish to know the circumstances under which I obtained the cheque?

2370. Yes?—I had applied previously to Mr. Harding, who was a clergyman, with whom I had unfortunately become acquainted, and who had constantly obtained loans of money for me; and I had also, wishing to have two strings to my bow, applied to him for this 500 *l.* as well as to Mr. Welch. Mr. Harding happened to be in my office at the time Mr. Welch sent me this letter, and I foolishly showed him the letter, and I said, "I shall not want your 500 *l.*, for Mr. "Welch" (to whom he was known) "has written me a letter to say that he will "lend me the money; but I cannot possibly leave my office to-day to see him." I remember perfectly Mr. Harding saying, "Let me go down and see him," and I sent for a promissory note, and put the promissory note into an envelope. I wrote a letter to Mr. Welch, enclosing it in the envelope, and I asked Mr. Harding to go down and receive the cheque; he did so, and brought it me back.

2371. Was there any arrangement for the promissory note being destroyed under any circumstances?—No, certainly not; I thought, in fact, from the tenor of Mr. Welch's letter, that the promissory note was going to be given to Mr. Rabbitt.

2372. Was there any arrangement that, if Mr. Welch procured the appointment, the note was to be given up and the cheque to be destroyed?—None whatever.

2373. Or any arrangement to that effect?—None whatever.

2374. Did you state to Mr. Harding that there was an arrangement to that effect?—No, certainly not. I may state that from that day, I believe, to this present year, I have not seen Mr. Welch.

2375. I am speaking now of 1864?—There was no arrangement then, nor any arrangement previous to my receiving that 500 *l.*, certainly not.

2376. Or after receiving it?—No; I had no opportunity of seeing Mr. Welch.

2377. It might have been by writing; was there any?—No; there was nothing by writing or verbally; nothing whatever.

2378. Was there any arrangement about any further advance?—No, certainly not.

2379. Did anything pass about a further advance of 1,000 *l.*?—No; there was of an advance of 5,000 *l.* from Mr. Welch's solicitors.

2380. Was any further sum to be paid if Mr. Welch was installed in the appointment?—No, certainly not.

2381. Was there any arrangement or understanding that Mr. Harding should have a part of any sum of money?—No, certainly not; not with me.

2382. Did you ever state to him that you would give him a third of 1,000 *l.*?—No, certainly not.

2383. Nothing of the sort?—Nothing of the sort.

2384. Did you ever say to him, "The fact is you ought to have some of this "money; you are perfectly welcome to a part of this money"?—No, certainly not.

2385. Or, "When Mr. Welch pays the next money of course you will have a "third of it"?—No, nothing of the sort.

2386. Was Mr. Harding to have anything?—No; I had no understanding with Mr. Harding upon the matter.

2387. Did you make any statement to him about any arrangement with Mr. Welch?—None whatever; I think I ought to state to the Committee that since my return to England I have avoided Mr. Harding, but during the last fortnight he has sought me out, and he has threatened me that unless I give him money, or induce Mr. Welch to give him money, he will come down here and endeavour to ruin us both. He has also gone to my solicitor, whom I trust the Committee will be kind enough to summon, Mr. Edwin Smith, of 2, Cloisters, Temple; he has made the same threats to him, and also to a friend of mine, Mr. Stephen Tucker, of 3, Berkeley-square, unless I procured him some money.

2388. Have you stated what you would do if he came?—No, I have not; I have resented it, of course; I have not had communication with him.

2389. In what way have you resented it?—I have told him that I would not listen to anything he had to say; and this morning he met me in the lobby and attempted

attempted to speak to me, but I told him that I would have no communication with him; and I told him to stand out of my way.

2390. Have you said to him that if he came and gave his statement before the Committee you would shoot him?—No, certainly not.

2391. Or anything to that effect?—Nothing to that effect whatever.

2392. Did you ever repay that 500 *l.*?—No.

2393. When was it to be repaid; at what date?—The date of the promissory note; I cannot quite remember, but I have a memorandum that it must have been at two months, I think, although this was only made from recollection. But when I was leaving England, my solicitor, at my dictation, jotted down the amount of my liabilities, which I gave him off-hand, and I see I have put down what appears to me to be the 9th of June; though it may be "query, June 9, for 500 *l.*, Welch, "5 per cent." This is in the list of my liabilities, which was made previous to my leaving the country.

2394. Mr. *Edward Egerton.*] That would not make it a two months' bill?—I think it was in May, but I have no recollection, and I have nothing to guide me but this.

2395. Mr. *Bovill.*] From a memorandum which you have, it would seem to have been a bill at a month?—Yes, it would. My own recollection is, that it was a bill at a very short date; because I tell you it was advanced to me under the impression that Messrs. New & Tucker would be successful in obtaining me 5,000 *l.* or 6,000 *l.*, out of which, of course, that 500 *l.* was to be repaid.

2396. Did they obtain the 5,000 *l.*?—No; I left the country very shortly after.

2397. *Chairman.*] When you say it was a bill, was it a bill drawn by yourself?—It was a promissory note.

2398. Mr. *Bovill.*] Did you pay any portion of that 500 *l.*?—No; because it fell due after I left England.

2399*. How soon after having the 500 *l.* did you leave England?—I have the date of the bill as the 6th of May.

2399. We have seen the cheque of the 6th of May?—I finally left England two days before the Derby; that is the only guide I have to the day I left England.

2400. Mr. *Edward Egerton.*] Did you say you destroyed the bill?—Yes; Mr. Welch returned me the bill.

2401. Mr. *Bovill.*] When was that?—That was in December, when I was endeavouring to carry out the letter of licence. I wrote to Mr. Welch, and asked him if he would sign the letter of licence, because I wanted the letter of licence to be signed by everybody for this purpose, that I wished to show the Lord Chancellor that all the signatures to the letters of licence tallied with this list of debts, in order that he might be satisfied that I was free from any proceedings being taken against me, when I hoped to induce him to give me an appointment. I knew that he could give me no appointment until he was satisfied that I was free. Therefore, as I knew that this list would be submitted to him, I wished Mr. Welch to sign the letter of licence, and Mr. Welch wrote back and said that he had the greatest objection in the world to his name being mentioned to the Lord Chancellor as having been mixed up with me in pecuniary matters, and that if I did not mind, he begged to be allowed to return my note (that was in December, and I owed him more money then), and that it would be far better for me at a subsequent period, when I got my appointment, to give him security for the whole amount; because in December, when I applied for this letter of licence, I owed him over 1,000 *l.*

2402. How long before you obtained the 500 *l.* was it that he promised to let you have it if he could?—I should think 10 days; over a week.

2403. To the best of your recollection will you state how long before you had the 500 *l.* it was that he promised to lend you it if he could?—He promised me when I applied to him.

2404. How long before you obtained it was it?—I think it was about 10 days. I know there was a considerable interval; I gave it up, and thought I should not get it.

2405. Was it as long as a month or six weeks?—No, certainly not.

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2406. Have you been in communication with Mr. Welch since he was examined on Saturday?—I saw him yesterday.

2407. Where?—On arriving home at Stanmore on Saturday night, I found that I was summoned here for to-day, and I telegraphed to Mr. Welch to meet me yesterday at the Westminster Palace Hotel, because I could not possibly remember the names of his solicitors, Messrs. New & Tucker, and I wished to be able to state to the Committee their names.

2408. How long were you with Mr. Welch?—He lunched with me; I think he was with me about half an hour.

2409. Did he inform you of the matters on which he had been examined?—Only in a cursory way; I naturally, of course, asked him the general tenor of what had occurred.

2410. Did he inform you?—I confess I did not get very much information from him.

2411. When was the next transaction in money that you had with him?—I have no guide to the date; but it was when I was at Trouville last summer; it must have been between June and September.

2412. What transaction was that?—He lent me 200 *l.* Yes, I have a guide to the date; it was in July, because I applied to him for that money in order to pay Mr. Morris Newton 250 *l.*, for which Mr. Harding and another friend were both liable. Here I see it entered, "16th of July, 250 *l.*, Morris Newton, Cross-" man & Harding," and something else which I cannot read, and I paid that bill because their names were upon it; I sent the money over to my solicitor, who paid the bill.

2413. I thought you said the money was 200 *l.*?—Yes, but my solicitor added 50 *l.*

2414. Do you recollect that distinctly?—Yes, I do, because I had a sale of my furniture, and I told my solicitor to make up the money out of the money which was derived from the sale.

2415. The account which we have received of it is that it was on the 10th of September and not in July?—I am certain it was to pay this bill; I have no other guide to it than that; it may have been September, but this is put July; but whether this means the date of the day the bill was drawn, or whether it means the date when the bill became due, I cannot tell you.

2416. Can you explain how Mr. Welch came to lend you the 200 *l.*?—He was the only person that I thought would lend it me, so I wrote and asked him for it.

2417. Had you any expectation that he would lend you the 200 *l.*?—I must say that I was rather surprised when he did lend it me.

2418. Then had you had no transactions with him before, except this 500 *l.*?—None whatever.

2419. Which was to be repaid at some short date, and instead of being repaid you had gone abroad?—Yes.

2420. In a state of embarrassment?—Yes.

2421. And you had not paid the 500 *l.*, or any part of it?—No.

2422. Had he applied to you for the 500 *l.*?—He applied to my solicitors, but he did not know my address till I wrote to him from Trouville for the 200 *l.*

2423. Can you give any explanation of why he had lent you the 200 *l.*, when you had not paid the 500 *l.*, and had gone away in embarrassment?—I cannot; I think that you should ask him for an explanation of that. I wrote and asked him to lend it me, and he sent me a banker's bill.

2424. He sent it at once, did he?—Yes.

2425. Have you got his letter which enclosed it?—No, I have not.

2426. Have you the letter that you wrote to him?—No; of course one did not anticipate all this inquiry.

2427. I only ask the fact?—No, I have not.

2428. Is there any further explanation that you can give us of why he should lend you the 200 *l.*?—No, except that he was a personal friend of mine, whom I had known for a number of years, and I knew that he had repeatedly lent money to different people.

2429. Did you give him any security, either for the 500 *l.* or for the 200 *l.*?—He

—He had my note of hand for this 500 *l.*, but he never asked me for any security for the 200 *l.* beyond this letter.

2430. Beyond what letter?—The letter that I wrote acknowledging it on the receipt of it.

2431. What was the next occasion of your having any communication with Mr. Welch?—The next occasion of my having any communication with Mr. Welch was upon my discovering that a proclamation of outlawry appeared in the newspapers, at the hands of Mr. Sperrit. I had never had any communication with Mr. Sperrit, and knew nothing of him; but, upon investigation, I found that he resided at and was an attorney practising at Leeds. I thereupon naturally wrote to Mr. Welch, asking him to institute inquiries, and enclosing him a copy of that letter of licence, and I asked him if he would be kind enough to induce Mr. Sperrit to withdraw those proceedings, and to sign the letter of licence. Mr. Welch wrote back to say that he was not acquainted with Mr. Sperrit, but that Mr. Bond, a solicitor of the court, had been exceedingly kind, and had taken a great deal of trouble in the matter, and that I should hear no more of Mr. Sperrit. In fact, I believe I have got Mr. Welch's letter to me. I gave it to my lawyer at the time, and my solicitor has just put it into my hands. This is Mr. Welch's letter:—

"Court of Bankruptcy, Leeds District,

"My dear Bethell, "27 December 1864.

"I could not get at 'Sperrit' opportunely until this day. He will, I am happy to say, write to his agent in London to call on Mr. Smith" (that is my solicitor) "at once (to-morrow), and agree to do whatever your other creditors have or will agree to. He regrets that proceedings in outlawry were taken, and they will be set aside, and he with your other creditors will sign the letter of licence for you; and then you may come to England." (I may tell you that I did not like anybody to know that I was in England, and I dated my letter from Boulogne, from where I had just come.) "He seems reasonable enough, at least he speaks so, though he is anything but 'No. 1 A.' When the letter of licence is signed, and you can appear, for it will be requisite for my friend to see you, I'll set about the other matter for you."

2432. What was the other matter?—The other matter I cannot remember; but I believe it was some idea that Mr. Welch had, or some scheme that he had for the settlement of my liabilities.

2433. At any time about that period were you reconciled to your father?—I have not seen my father since the early part of May 1864.

2434. You have not seen him since?—I have not seen him since.

2435. What was the next occasion of your seeing anything of Mr. Welch, or having any communication with him?—The next occasion of my seeing Mr. Welch was early this year. I do not remember the time; it must have been January or February when he was in London.

2436. Where did you see him?—I saw him at his chambers.

2437. Did you go there?—Yes; he wrote and told me he was coming to London.

2438. Where were you at that time?—I was at that time residing in Hertfordshire, at the house of a friend of mine, who had lent me his house for a couple of months.

2439. How did he know that you were in Hertfordshire?—Because I wrote to him after I had received this letter, and told him that I had taken this house in Hertfordshire, and did not intend to remain abroad; that I was very much obliged to him for what he had done for me, and that I was actively engaged in obtaining the signatures of all my other creditors to this letter of licence.

2440. Did you say anything to him in London, or at Leeds, as to whether any arrangement had been made for settling your debts?—No.

2441. Any statements as to how far your father was disposed to assist you with money?—No; my father was not disposed to assist me with any money, beyond a small amount.

2442. What was that amount?—I never had any communication with my

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father upon the matter; but I was led to suppose by Mr. Skirrow and by my wife, who had repeatedly seen my father, that if I could get the bulk of my creditors to sign this letter of licence, he would advance a small sum of money, a reasonable sum of money, to deal with the difficult portion of my creditors, whom I had never seen, and who had in reality stolen bills from me; that he would be disposed to make some advance; and I may have stated that I did not think the Lord Chancellor would exceed 1,000 *l.* That is the only recollection I have of my stating anything about 1,000 *l.*

2443. Did you present any piece of paper for the cheque for 1,000 *l.* which you had received?—No.

2444. Did you make any statement as to setting aside any part of your salary from any office?—Those were the conditions of my letter of licence.

2445. Will you just let me see that letter of licence?—I went down to Leeds to get this signed by Mr. Sperrit and Mr. Scholefield, and that is the one which bears Mr. Scholefield's signature which I obtained (*handing the same to the Honourable and learned Member*).

2446. I see it is in these terms: "Proposal of the Honourable Richard "Augustus Bethell, for the settlement of his debts. Mr. Bethell to pay "1,200 *l.* a year into hands of Charles Fletcher Skirrow, esq., one of the taxing "masters of the Court of Chancery, and Mansfield Parkyne, esq., official assignee "in the London Court of Bankruptcy, as trustees for the creditors, by equal "quarterly payments, to commence 1st May 1865, until the debts, with interest at "5 per cent., shall be fully paid. The creditors to execute a letter of licence, "releasing Mr. Bethell from all proceedings during the life of Lord Westbury, "provided the payments are made in manner above mentioned. We, the under-"signed creditors of Mr. Bethell, agree to the above proposition in respect of our "debts and interest." Out of what were you to pay 1,200 *l.* a year?—You will observe that is only a proposal, and the fund out of which it is to be paid would have to be determined at the period when the first payment would be necessary to be made: that would be the 1st of May 1865. I was in hopes, of course, that if I got everybody to accede to that, and I could show that I was free from any obnoxious proceedings, the Lord Chancellor would be induced to give me an appointment, and then I would work for my creditors and give up the whole of my salary; but that even if he did not do so, I hoped, if I got them all to sign it, that when the 1st of May arrived he would be disposed to advance the first quarter's payment, 300 *l.*, at all events till some settlement could be made.

2447. Did you make any statement at all at that time as to the source from which you were to set apart the 1,200*l.* a year?—I told Mr. Scholefield that I was hoping that there would be a vacancy in London; that I had friends in London (I did not mention who they were) who were exceedingly anxious that the Lord Chancellor should appoint me, and that I had declined to be a candidate for the appointment in London, but that I had requested them to ask the Lord Chancellor to transfer Mr. Welch and to appoint me at Leeds; and I told Mr. Scholefield that when I was appointed to Leeds, I would cheerfully give up the whole of my income, provided that he and Mr. Sperrit would assure me that I should not be annoyed by them.

2448. Who was the friend that you had requested?—Mrs. Bethell and Mr. Skirrow.

2449. Did you know what the salary was of the Registrar at Leeds?—Yes: 1,000*l.* a year.

2450. Then you see 1,200 *l.* a year could not be paid out of 1,000 *l.* a year?—No; but Mr. Skirrow always said, "If you will give up 1,000*l.* a year, I have "no doubt I shall be able to get the Lord Chancellor to increase your allowance, "and then you must pay the other 200 *l.* a year." The Lord Chancellor at this moment allows me 1,000 *l.* a year, and Mr. Skirrow hoped that if I could get everybody to agree to that, and if I cheerfully gave up the 1,000 *l.* a year, my salary, the Lord Chancellor would, in consideration of that, give me an extra 200 *l.* or 300 *l.* a year.

2451. Did you make any statement at Leeds with respect to giving up a portion of the salary of some offices connected with the House of Lords?—No, certainly not; because when I was at Leeds I knew that my brother was to receive the appointment; he had the appointment, in fact; because it was at Leeds that I received the intelligence of the vacancy in the London Court, which

which was caused by my brother's appointment. What you are alluding to is this, that when I originally set on foot, in December, this letter of license, I was sanguine enough to believe that if I succeeded, probably the Lord Chancellor would appoint me to an office in the House of Lords, which I had reason to know would be shortly vacant; but the Lord Chancellor distinctly refused to do that, and then there was nothing for it but for me to induce my wife and other friends who were kind enough to exert themselves in my behalf to try and get a registrarship for me, and to reinstate me in my former position; and, therefore, in December, or in the early part of this year, when people asked me how I was going to pay the 1,200 *l.* a year, I may have stated "The only office "I have at present in view, as far as I am concerned, is this office which I know "will be vacant in the House of Lords."

2452. But you had made no statement at all as to your salary being 2,500 *l.* a year?—No, certainly not.

2453. Or that you expected appointments which would bring you in 2,500 *l.* a year?—No, certainly not.

2454. And out of which you were to make a deduction?—I may have stated that if I got an appointment my whole income would amount to 2,500 *l.* a year, which it would.

2455. Had you been in receipt of 1,000 *l.* a year during the whole of the time that you had been away?—No, not from my father direct.

2456. When was the 1,000 *l.* a year given you?—The 1,000 *l.* a year was given to me in March of this year 1865. It ought to have been given me in April, but as I was moving, I had an intimation that the Lord Chancellor would give it me in advance. It was to commence only from April in this year, on the 5th of April; but the Lord Chancellor very kindly, in March, when I was moving, and my wife's confinement was approaching, advanced that allowance.

2457. Were you receiving any allowance during the year 1864?—Of course I was; the Lord Chancellor always allowed me 800 *l.* a year; at least he really allowed me 1,000 *l.* a year, but he deducted 200 *l.* a year for some payments which he had made for me.

2458. I understand that you have now some fresh arrangement this year for an allowance of 1,000 *l.* a year?—This year he told my wife that he would not give me any appointment, but that he should increase my allowance to 1,000 *l.* a year; that is to say, that he should not continue to deduct the 200 *l.* a year which he has hitherto deducted.

2459. During the whole time you were abroad, had you 800 *l.* a year?—Yes, from the Lord Chancellor.

2460. When was that arrangement made as to your having 800 *l.* a year?—I have always had 800 *l.* a year from the Lord Chancellor since the time of his being Attorney General.

2461. Had you any communication from any person, as to whether you were to be appointed to Leeds?—No, it was my own idea.

2462. That you were to go to Leeds?—Yes, it was my own plan to endeavour to carry out that, you will understand.

2463. I should like a little further explanation of that, if you will be kind enough to give it?—The explanation of it is this; that when I knew that the Lord Chancellor had refused positively to entertain the notion of appointing me to the office in the House of Lords, I was also given to understand that if a vacancy did arise my brother would probably receive the appointment, and then I knew that there would be a vacancy in the London court, of course, by my brother's appointment; and it was suggested to me by my wife, by Mr. Skirrow, and by Mr. Miller, the Chief Registrar, though the latter did not make the suggestion to me personally, that I had far better apply to be appointed to succeed my brother; I was naturally very unwilling to come back and serve again in the London court where I had served so recently, and I thought that I would rather go out of London and live quietly in the country; and I suggested to my wife, as she was going to pay a visit to the Lord Chancellor, that she should endeavour to get him to consent to bring up Mr. Welch from Leeds and allow me to succeed him at Leeds, and that we would live at Harrowgate, and that I should be able to go in and out by train and perform my duties.

2464. Can you give us the date of that?—It was previous to my visit to

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Leeds, and I went to Leeds about the end of February; I have no guide to the date.

2465. About how long before you went to Leeds?—I dare say it was a week before.

2466. What was the cause of your going to Leeds?—I went down to Leeds to see Mr. Sperrit and Mr. Scholefield, in order to get their signature to that letter of license, because Mr. Sperrit was represented by an agent in London, who interposed difficulties in the way, and would not allow Mr. Sperrit to sign the letter of license until of course his bill of costs in London was paid. I found that I could never deal with any of my creditors unless I saw them personally.

2467. Before you went down to Leeds, had you seen Mr. Welch in London?—Yes, I think I had.

2468. Do you know how long before you went down to Leeds that was?—I think it was about a week before I went down.

2469. Did you make any statement to him then, as to his coming to London or your going to Leeds?—I think I did talk it over, perhaps.

2470. What passed?—Mr. Welch was always a candidate for a London registrarship, and I had no notion that he had been appointed to Leeds until I read it in the "Times" at Tronville one day, and I wanted to know from Mr. Welch whether he had received any promise from the Lord Chancellor, which the Lord Chancellor very often makes in appointing country registrars, that if circumstances were to allow him, he would be happy at a subsequent period to transfer them to London; and therefore I went to Mr. Welch to find this out. But Mr. Welch told me that there had been no stipulation of any kind when he was appointed; he was merely asked whether he would like to go to Leeds, and he went; therefore, I was seeking about to get some registrar brought up to London who had received that kind of promise from the Chancellor; but I could not find any one who had; that was my motive.

2471. What took place at this interview which you had with him about a week before you went down to Leeds?—I do not know that anything else took place, except I informed him that I was coming to Leeds to see my creditors, and he told me you had better come to my house; and he was anxious that I should take it off his hands; and I promised him to pay him a visit.

2472. Did you tell him that you were coming to Leeds as registrar?—No, I merely told him the plan in my head; I did not know then that the vacancy in the House of Lords was so imminent; and I told him that whenever this vacancy did arise, it was my plan to suggest to my wife and to Mr. Skirrow to ask the Chancellor to bring him up to London, and to ask that I should be appointed to succeed him at Leeds.

2473. When you went to Leeds; had you been promised by anybody that you should go to Leeds?—No, certainly not.

2474. Had you been told by anybody that you were to go to Leeds, or that you could go?—No, certainly not.

2475. Was it that you were going down to see whether it would suit you, or to look about?—I went down primarily to see those two creditors; but my impression at that time was, that this vacancy would occur at the opening of Parliament. I forget when Parliament opened. I had private reasons for knowing that Mr. Edmunds would not take his seat, or rather for imagining that Mr. Edmunds would not take his seat; and therefore I thought the vacancy would arise immediately after the opening of Parliament; and I wished to be at Leeds at the time it did arise, that I might send up to my wife from there to say that I had found a house, and that I liked the house. I was living then in Hertfordshire on sufferance; a friend had lent me his house on sufferance; and as my wife's confinement was approaching, I wished to be in a house somewhere; and I thought that if those creditors were not hostile, I might as well live at Harrowgate, or in the neighbourhood of Leeds, as anywhere else.

2476. Had a residence at Leeds anything to do with the registrarship of Leeds?—I thought it would operate favourably on the mind of the Lord Chancellor, if he was told that I was settled at Leeds, and that my creditors were not hostile to me; and that that would operate as an additional motive to him to give me the appointment.

2477. And

2477. And perhaps to obtain an appointment for Mr. Welch in London, rather than anybody else?—That was the representation to be made to the Chancellor on my behalf, and it was made to him.

2478. When was it made to him?—When I was at Leeds.

2479. How do you know?—Because I received a letter from my wife to say that she had made it; and it was, in truth, the letter of my wife that produced the whole of the difficulty. She was sanguine enough to believe that the Chancellor would entertain it; she has since repudiated it, and says that he did not lead her to believe it at all; and she wrote that letter, which had the effect of producing all the mischief. She wrote to the effect that she thought the Lord Chancellor really would entertain it, that he had not received it unfavourably, and she hoped the next day to write and tell me that the matter was arranged.

2480. Did you ever tell Mr. Welch that he had been appointed to London?—No, certainly not. I was staying with him at the time, and I told him I had received a most satisfactory letter, and I thought it would all be arranged.

2481. Had you told him before you went down to Leeds that he had been appointed to London?—No, certainly not.

2482. Or anything to that effect?—No, certainly not.

2483. When you were at Leeds, did you make any arrangement for holding the sittings there?—No; only in this way: When I was introduced to the colleague of Mr. Welch, a Mr. Stephens, I told him that this proposition had been made, and that I hoped it would be carried out; and I was introduced to Mr. Stephens for that purpose, by Mr. Welch. He said, "Well, if it is carried "out, when do you think you will come down?" I said, "Well, I do not suppose "I can come down under 10 days or a week's time at the earliest." And he pressed me very much, if I was appointed, to come down earlier, and to take the sittings on such and such a day, because he wished to be away; and I promised him I would.

2484. Do you remember when that day was?—No; but I am certain he asked me to come down between four and five days after I left Leeds.

2485. Can you tell whether it was the 3d of March?—I left Leeds on the Saturday; I should think it was previous to the 3d of March that I was to be there, but I have nothing to guide me; probably the 3d of March may be right.

2486. Did you make arrangements for altering the day on which a certain class of business should be taken?—I talked the matter over with Mr. Stephens, and said, "If this is carried out, and I am appointed." This was an entirely confidential conversation which occurred between Mr. Stephens and myself, but I have no objection to tell you what it was. I certainly asked him if he would be kind enough, if I was appointed, to allow me to take the work as Junior Registrar, as the Junior Registrar had always been accustomed to take the Hull District, and I did not wish to take Mr. Welch's place, as it were, over Mr. Stephens' head, because the work at Leeds is considered to belong to the Senior Registrar. That is all that occurred.

2487. Had you altered a particular class of business so that it should be taken on the Friday?—I tell you the only thing Mr. Stephens asked me to do was this: He said, "Very well, if you are appointed, do you mind taking Leeds on "such and such a day for me." He agreed to the change, and to be Senior Registrar at Leeds if I was appointed; but he said, "Do you mind, on such and "such days," the date of which I cannot remember, "taking the work at "Leeds, and I will go to Hull." I said, "Very well; I will do the work at "Leeds for the first week."

2488. Had you arranged to take certain business at Leeds on a particular day?—No; he was to communicate with me again, or I was to communicate with him, I forget which, because I did not anticipate all this inquiry, and it did not make much impression upon me; but I never did.

2489. Did you hear at all that you had been appointed to Leeds?—I saw it in the "Leeds Times."

2490. Was that the only intimation you had of it?—The only intimation.

2491. Never any other?—No, not from anybody.

2492. Did you remember writing a letter, requesting that the advertisement of the appointment should not be published?—No; I may have written to Mr. Miller, telling him that I did not wish it to be put in the London papers; I think I have some recollection of that kind.

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2493. Let me call your attention to the last paragraph in your letter, in which you say, "I shall be particularly obliged if you will, as far as you are concerned, "not send the order made by the Lord Chancellor for publication in the news-"papers?"—Yes; that, of course, implied if the order was made; I do not read it that then the order had been made. I said I should be particularly obliged if he would not send the order made by the Lord Chancellor; that means, of course, if made.

2494. Did you understand at that time whether the order had been made, or had not been made?—No.

2495. Just let me call your attention to another part of that letter; I understand you to say that at that time you had not heard that the order had been made?—No; I had only received this letter from Mrs. Bethell, from which I certainly confess that probably she assumed too much, and I assumed a great deal too much also.

2496. Did you assume that the order had been made from the intimation which you received from Mrs. Bethell?—I have never seen this letter since I wrote it, and I cannot recall to my mind what my impressions were when I wrote the letter, but it does appear from the context that I certainly thought there would have been no difficulty, and that the order had been made, or was going to be made, or that the Lord Chancellor told her that it would be made.

2497. This letter is dated Friday, the date of which I think has been fixed as the 24th of February, and it is dated from Leeds; were you at Leeds on the 24th?—Yes; I was there on the Friday.

2498. Let me call your attention to this. In the earlier part of this letter of the 24th of February, you say:—"Court of Bankruptcy,—Leeds District, Friday, "—My dear Miller,—I had not time to call on you previous to leaving London, "but I suppose you have heard that the Chancellor intends to transfer Mr. "Welch from the Leeds District to London, and to appoint me to the district." I call your attention to that; did you know before you left London that the Lord Chancellor did intend to transfer Mr. Welch from Leeds to London, and to appoint you to his district?—No, certainly not.

2499. Do you still say, your attention having been called to that letter, and to the latter part of it, that your visit to Leeds was with a view to Mr. Sperrit and Mr. Scholefield only, and to obtaining a residence in that district, without reference to the appointment?—I think I have told you that I had in my own mind a plan which I wished to be carried out, and I thought that that plan would be furthered by my going to Leeds, and still more furthered if I could represent that I was located in the district of Leeds: but I had no authority from anybody whatever to go down there, or to locate myself there; it was entirely my own idea.

2500. Did you at all, after your return, ascertain whether you were to be appointed to Leeds or not?—I was told distinctly that I was not.

2501. What day were you told that?—I was told that on the Monday.

2502. What date would that be; that would be Monday the 27th?—Yes, if I returned on Saturday the 25th.

2503. Who told you that?—Mr. Skirrow.

2504. As from the Lord Chancellor?—Yes; he said the whole thing had failed; that the Lord Chancellor was exceedingly indignant, and he would not hear of it.

2505. Indignant at what?—At hearing that I had gone down there, and that I had endeavoured to get him to appoint me through Mr. Skirrow and my wife's means.

2506. Endeavoured to get whom to appoint you?—To get the Lord Chancellor to appoint me. Probably the truth is, the Lord Chancellor disapproved of the arrangement which he thought was pending between Mr. Welch and myself; there is no doubt about that.

2507. Was anybody else aware of the arrangement which was pending between Mr. Welch and yourself?—I mean by the arrangement which was pending between Mr. Welch and myself, my proposition to Mr. Welch that he should apply to be transferred to London. But that reminds me that when I made that proposition to Mr. Welch, Mr. Welch told me that he had already applied to be transferred to London, at which I was surprised. That is what I mean; that the Lord Chancellor, no doubt, was annoyed at that; he thought that we were probably

probably acting in concert together. I had no idea what he thought, but he was represented to me as being exceedingly indignant.

2508. On that Monday, the 27th, was Mr. Welch in London?—No, I left him at Leeds.

2509. Are you sure of that?—Yes, certainly. He drove me to the station on Saturday morning from his house, which was a few miles from Leeds, and there he left me.

2510. Where did you next see him?—I have not seen him from that time till yesterday.

2511. Did you receive any money from him at that time?—Previously to my going to Leeds I did.

2512. Not afterwards?—No.

2513. Are you quite sure of that?—Quite certain.

2514. How long before you went to Leeds was it that you received any money from him?—I think that it was a week or 10 days; but he post-dated the cheque.

2515. Why was that?—I will tell you how it was; I was being pressed by Mr. Emmett, a solicitor, in Bloomsbury-square, on behalf of a client of his of the name of Ancona; he was threatening me every day with immediate arrest, and I told Mr. Welch, that as Mr. Ancona would not sign that letter of license, I could not possibly accept an appointment unless I made some arrangement with Mr. Emmett; that I must pay him some 300 *l.* or 400 *l.*, and I applied to Mr. Welch to lend me this money; he went round to Child's and asked them to advance it to him, and he came back and told me that Child's had said that he could overdraw his account after a certain day; why that was I do not know, and I never asked him; I said, "Very well, give me a cheque for that date," which he did, because I thought my solicitor would advance me the money upon it, and enable me to pay this Mr. Emmett.

2516. So that the arrangement as to his coming to London and your going to Leeds was not carried out?—No, it had no connection with it.

2517. You said just now that it had?—I said that it would facilitate my being able to go to Leeds.

2518. I understood you to say that you could not go to Leeds?—I told him that I could not possibly go to Leeds without making an arrangement with Mr. Emmett, because he would not sign that letter of license.

2519. Did you state this to Mr. Welch?—Yes.

2520. As an inducement for him to lend you the 300 *l.*?—Yes, and he lent me the 300 *l.*

2521. Where did you get the 300 *l.*, then?—He gave me a cheque for it on Child's.

2522. What did you do with the 300 *l.*?—That 300 *l.* did not pass through my bankers till my return from Leeds, and my solicitor made another arrangement with Mr. Emmett, and I have applied it to other purposes; at least I have not paid Mr. Emmett the 400 *l.* I anticipated.

2523. You have mentioned to us the sum of 500 *l.*, and the sum of 200 *l.*, and this sum of 300 *l.*; was there any other money that you had from Mr. Welch?—Yes, Mr. Welch lent me 50 *l.*

2524. When was that?—It was early in this year.

2525. What was the reason of that; give us first the amount, and then the reason?—I wanted to make some payment; I do not very well recollect what it was, but you will understand that owing the large sum of money that I do, and the demands that are made upon me being most multifarious, I cannot at this moment remember what payment it was, or what I wanted the money for; however, he lent me 50 *l.* early this year.

2526. Was that before or after he had lent you the 300 *l.*?—Long before that.

2527. Which was long before that?—The 50 *l.* My recollection of the 50 *l.* is that he lent it me shortly after he had obtained Mr. Sperrit's withdrawal of the proclamation.

2528. How long after that was it that he gave you a cheque for 300 *l.*?—Then he gave me a cheque for 300 *l.*; about the 20th of February.

2529. Before you went to Leeds?—Yes, before I went to Leeds; he post-dated it.

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2530. Then he gave you a cheque about the 20th?—Yes.

2531. Can you tell me what day of the week he gave it you?—No, I have nothing to guide me.

2532. Can you tell me whether it was the 21st of February?—No I cannot indeed; but I should think he can produce the cheque; it was a cheque on Child's; the cheque was post-dated; my recollection of the matter is that it was certainly post-dated a week.

2533. At the time that he gave you the post-dated cheque, did you or did you not tell him that he had been appointed to London?—No, certainly not; there was no vacancy in London then; not at that time; the vacancy did not occur till after the meeting of Parliament.

2534. Mr. *Edward Egerton.*] Parliament met on the 14th?—Still the vacancy had hardly occurred; I do not know what day my brother was appointed.

2535. On the 17th?—Then the vacancy had occurred.

2536. Mr. *Bovill.*] On that 17th of February, according to Mr. Welch's account, he gave you 50 *l.*?—I have nothing to guide me; he gave me a cheque for it, and he can produce it.

2537. The cheque is dated on the 17th of February?—Then he gave it me on that day, but my own recollection is that he gave it me in January.

2538. Have you any doubt that it was given you on that very day?—No, of course not. I know the day he gave me the cheque for 50 *l.*; he gave it me in his own chambers, and I went round myself to Child's, which is close by, and got the money ten minutes afterwards.

2539. Can you give the Committee any explanation how it was, as you had not paid the 500 *l.*, or any part of it, and as I presume you had not paid the 200 *l.*, or any part of it, and were in difficulties, why he should lend you 50 *l.* on that 17th of February?—The only explanation that I can give is, that I suppose he was actuated by the same feelings as a great many others of my creditors are who have lent me money.

2540. The feeling to lend you more?—No, I do not know that it is always that; I suppose they feel that I shall pay them some day. But at all events Mr. Welch is a great friend of mine. I have known him since 1859. We have lived in the same place together, and I have been in constant intercourse with him.

2541. Then May 1864 was not the first occasion of your wanting to borrow money?—No, but I never did borrow money from my friends until I was positively obliged, and Mr. Welch is the only friend that I ever did borrow money from, with trifling exceptions. I always used to go and borrow money from regular money-lenders.

2542. With regard to this post-dated cheque, which was dated the 27th of February, for 300 *l.*, can you give any explanation of why he should lend you 300 *l.*, which, as I collect from you, he had not to lend; that is to say, he had not money at his bankers, and was obliged to have a post-dated cheque?—I told him what I wanted it for. The emergency was very great; at least I believed so from the letter which Mr. Emmett wrote, that he had issued an execution, and I was fearful that I might be arrested. I had letters to that effect, and I showed them to Mr. Welch, and I believe my solicitor has those letters in his possession at this moment, which were all written at that time.

2543. Did you give any security for the 300 *l.*?—No, I did not; I was to give him a fresh security (that was the understanding) after I was appointed, if I did succeed in getting an appointment; and he did not wish his name to be sent in to the Lord Chancellor; he wished his name to be erased from this list which I had got in which it appears; and he did not wish his name to appear to my letter of license.

2544. Did you ever come to any settlement with him of any sort?—No, because I have not been in a position to do anything.

2545. Have you ever settled any account with him?—No; I suppose he has written me 20 letters.

2546. Have you ever sent him any acknowledgment of any balance?—Not beyond writing a letter to him, stating that I certainly should always consider myself liable, I may say primarily liable, to him for this amount; and that I feel it my bounden duty to make every effort to pay him the moment I can; I have given

given him no security, but I have sent him a letter to that effect, and stating that I owe him 1,050 *l.*

2547. That is all?—Yes, that is all; I do not know of any more than that.

2548. When was it that you wrote him such a letter?—He has written me, I suppose, 20 letters since this affair failed at Leeds, and in answer to one very angry letter, I wrote him this letter; I cannot tell you when it was, but I should think it was about six weeks ago; certainly a month ago.

2549. Up to that time, do I understand you to say, that you had no statement or settlement of account with him, and had given him no acknowledgment?—Every time he lent me money he used to say, "You remember you owe me so "much," and I said, "Yes, I do."

2550. Up to six weeks ago you had not settled any account, or ascertained what you owed him?—Yes; when he lent me the 50 *l.*, I remember his saying "That makes so much you owe me."

2551. I mean in writing?—No, nothing in writing till five or six weeks ago; it was admitted between us.

2552. A month or six weeks ago there was a letter?—Yes.

2553. Nothing else?—Nothing else.

2554. Have you a copy of that letter?—No; I should think he would produce the letter.

2555. Where did you write from?—I forget whether I wrote from my lawyer's office or whether I wrote from my home.

2556. For what sum was that an acknowledgment?—It was only a general kind of admission; but there was no dispute between us as to what the amount of the debt was, that I owed him this 1,050 *l.*

2557. Have you paid him any interest?—No.

2558. Did you say anything about interest?—No.

2559. Is that simply as far as you know the terms of the letter?—That is the whole.

2560. Except that you had never given him any security or acknowledgment or anything?—No, except this 500 *l.* bill, which I have told the Committee was returned.

2561. Have you had any other transactions with Mr. Welch?—No.

2562. No other transactions at all?—No other transactions at all.

2563. Have you any transactions with Mr. Miller?—None at all.

2564. Of any sort or kind?—None whatever.

2565. The *Lord Advocate.*] Had you before you went to Leeds seen Mr. Skirrow with regard to an interview that he had with the Lord Chancellor?—No, I think not; I used to see Mr. Skirrow repeatedly; constantly.

2566. Do you remember whether before you went down to Leeds you had any conversation with him?—I certainly made Mr. Skirrow acquainted with what I had agreed with my wife, that I had intended going to look for a house there, and I hoped he would use all his endeavours to further my view. He has always promised to do that, and, in fact, he is my firmest friend. He has made every effort in the world for me. I do not remember any special interview; but I very seldom came to London without calling at Staples' Inn, at Mr. Skirrow's offices, if I am there about luncheon time.

2567. *Chairman.*] Do you remember how long before you went to Leeds it was that you saw Mr. Welch?—I think it was about a week.

2568. And where?—At his chambers in London. The only guide that I have to that is, that I remember telling him that I should come down to Leeds, and his asking me to fix the day that he might be there to meet me. I remember not being able to do that, and writing and telling him the day I should arrive, and I arrived there late at night; therefore I did not see him till the following morning.

2569. Do you remember whether you received the 50 *l.* cheque then; it is dated the 17th of February?—No, that is not my impression; but I have no guide to that, and I cannot remember what I wanted the money for. All I do know is this, that it was something very pressing, and that I went into his chambers and asked him to lend me 50 *l.*, and he wrote me a cheque for the amount.

2570. Have you any reason to believe that the cheque was dated on a different date from what it appeared to be?—No, because I went directly to Child's bank

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and got it cashed; I know it was not at the same time that he gave me the 300 *l.* It may have been a day or two before, but I do not remember it.

2571. Do you remember what day of the week it was that you received the 300 *l.* cheque?—No, I do not.

2572. It was before you went to Leeds?—Yes, it was before I went to Leeds; I have nothing to guide me; I cannot tell you at all.

2573. Was the 24th, the Friday, the first day you were at Leeds?—No, I was there on the Thursday; I have seen it stated in the newspapers that I attended the Bankruptcy Court. All I did was this; I went to write some letters; I had had an appointment with Mr. Welch; I had no further business to do at Leeds, and I went up to his private room and I wrote some letters in his room while he was disposing of some business. I felt that I was under an obligation to Mr. Bond, and I asked Mr. Welch to introduce me to him that I might thank him, and so far I went to the Bankruptcy Court.

2574. Do you remember seeing Mr. Welch in the early part of that same week any where?—Yes, I remember I did in his chambers, on the Monday or Saturday before. I cannot tell you which, but my own recollection is that it was about a week before.

2575. Did you ever then state to him anything about a probable appointment when you were in London?—No. I had reason to know that he always wished to be in London. That was always his application to me; and therefore I knew that he would be very ready to fall in with this plan that I had formed for him to come up to London.

2576. You feel quite sure that on that occasion, in the early part of the week, you did not tell Mr. Welch that he was appointed, or was to be appointed, to London?—Most certainly I did not.

2577. There is a letter of Mr. Welch's, dated the 28th, which was Tuesday, in which he says that on the Tuesday, which would be the 21st, he was informed that he was appointed to London?—Does he state that he was informed in London?

2578. Mr. *Edward Egerton.*] By you. He says he cannot remember it; but he cannot imagine any other person?—I can only say that he must have been mistaken. I have not very much confidence in his memory myself.

2579. Are you sure about this bill; you say that Mr. Welch returned you the bill, which you destroyed?—Yes.

2580. Mr. Welch distinctly contradicted that?—He did send it back. I can, indeed, confirm my statement in this manner; I have a distinct recollection of going to my solicitor and telling him that Mr. Welch had refused to sign the letter of license.

2581. If you look at Question 1680, and then Question 1738, you will see that Mr. Welch is asked—"You never handed that bill back to Mr. Bethell"? and his answer is, "No.—Nor to any one on Mr. Bethell's behalf? No, certainly "not." Then I asked him: "Are you sure of that"? and he says, "So far as "my memory goes." Then Mr. Vivian asks: "You are confident that you did "not hand that bill back to Mr. Bethell or to any one on Mr. Bethell's behalf? "I believe firmly I did not." Then at Question 1738 he was asked: "It is "entirely untrue that the bill was returned to Mr. Bethell at any time," and his answer was, "That I will not say; I rather think that I did return it to him or "destroy it"?—What occurred was this; my solicitor has had a quantity of those lithographed letters of license, and from time to time he has sent me half a dozen to obtain signatures; I sent one down by post to Leeds to Mr. Welch, and begged him to sign it, and at the same time asked him to get the signature of Mr. Sperrit; I have a distinct recollection of his saying that he would not for anything have the Lord Chancellor know there was any money transactions between us, and that at a subsequent time, if I got the appointment, I should give him a fresh security; I remember going to my solicitor and telling him what Mr. Welch had said, and telling him that I had the bill back; my solicitor has constantly said, "Why do not you give me that bill of Mr. Welch's," and I said I had destroyed it.

2582. Have you been in habits of great intimacy with Mr. Miller?—No, not beyond this; that Mr. Miller had, of course, a good deal to do with me as registrar. In the first place, when I was first appointed, Mr. Whitehead was chief registrar, and Mr. Miller, during Mr. Whitehead's illness, which was very constant

stant shortly previous to his resignation, used to perform Mr. Whitehead's duty, so that I was constantly brought into contact with him; beyond that I had no personal intimacy with him.

2583. Were you not aware that he had written most urgent representations to the Lord Chancellor on your behalf?—When I called upon him when he was ill with the gout, he showed me the draft of a letter which he intended to send. I said, "There is no use sending that; it will not interfere with my sending in my "resignation. I will leave the resignation deposited with you to send." Then he said, "I will take upon myself the responsibility of withholding it for two days," and I begged him not to do that.

2584. Were you aware of your name having been inserted by Mr. Miller into an order for appointment on two different occasions?—I am aware of it now; I was not aware of it at the time.

2585. Colonel *Pennant.*] Have you known it to be the custom to make out drafts for orders before appointments were actually made by the Lord Chancellor?—I think that has been done; the drafts are always made out and taken to the Lord Chancellor for his signature.

2586. Before the appointments were actually made?—If you mean whether I know of any draft having been made out, and the appointment afterwards cancelled or confirmed, no, I do not.

2587. Before the Lord Chancellor gave instruction for it?—I do not know of any instance of that at all.

2588. Mr. *Edward Egerton.*] The Chief Registrar being allowed to name the appointment?—When I tell you that I was the Registrar in the Court of Bankruptcy, I should state that I was not acting in Basinghall-street; therefore I had not any opportunity of knowing the routine at that office; I had an office of my own in Quality-court, in connexion with the Court of Bankruptcy, where I used to register trust deeds; therefore I had no acquaintance with the routine of the office in Basinghall-street.

2589. Mr. *Bovill.*] I asked you about the statement at Leeds, as to the source from which you were to put aside the 1,200 *l.* a year. Have you ever stated to any other person or persons that the 1,200 *l.* a year was to be appropriated from the 1,500 *l.* a year, derivable from the emoluments of the office, of which Mr. Edmunds was to be deprived, and to which the Lord Chancellor had promised you the appointment?—No; I never said that the Lord Chancellor had promised me the appointment. I think I have already explained that when I had this expectation of being able to carry out this letter of license, I had only then in contemplation in my own mind the possibility of succeeding Mr. Edmunds in the House of Lords, because I knew from intimate friends of Mr. Edmunds that he was sure to resign.

2590. I have a reason for asking you this very distinctly; it is right that I should tell you that a gentleman, Mr. Carew, has a memorandum in his own handwriting?—Mr. Carew, I believe, signed the letter of license on the faith of my having told him that that was the appointment I was seeking.

2591. Have you got the paper that he signed?—It is the same as this I have before me, which I have already shown the Committee.

2592. Have you got the original?—My solicitor has.

2593. This purports to be the very paper?—I left him one in his possession; it must be a copy. I remember, when going out of his office, he said, "Will you "give me a copy that I may know what I have signed."

2594. Just see if that is not a copy (*handing a paper to the Witness*), and you see this at the bottom: "*Mem.*—The above interlineation was inserted by me at "the instance of Mr. Bethell, who stated it to have been suggested by a creditor, "and I signed the above entirely on the faith of Mr. Bethell's assurance that the "1,200 *l.* a year were to be appropriated by him from the 1,500 *l.* a year deriv- "able from the emoluments of the offices of which Mr. Edmunds was to be "deprived, and towhich Mr. Bethell stated the Lord Chancellor to have pro- "mised him the appointment"?—That is all untrue.

2595. You handed Mr. Carew a copy, you say?—Yes.

2596. You have the original, or rather your solicitor has; has not the original the exact form of note that this has?—No, most certainly not. Mr. Carew, when I went into his office, received me in the kindest possible manner. I had been told not to go near him, because he had issued execution; but I went to see him, and he received me in the kindest possible manner. I said, "I have got nothing

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"to propose to you but a letter of license. I propose to give my creditors 1,200 *l.* "a year, will you sign it?" and before he had looked at it, he said, "I will sign "anything." I must say I was astonished at that; but he did sign it without reading it. And after he had signed it, he said, "I had better look at what "I have signed."

2597. The *Lord Advocate.*] That was not in Leeds?—No; I had then in contemplation the obtaining of the appointment; but Mr. Bovill has asked me whether the original one which Mr. Carew signed, has that memorandum on it. It has not, and it shall be produced to-morrow.

2598. Mr. *Bovill.*] Do you state that that memorandum at the bottom, which I have read to you, is not correct?—My explanation of it is this: that after Mr. Carew had signed it; I told Mr. Carew that my object in getting my creditors to sign it was, that it would put me in a better position to obtain an appointment, and he said, "What appointment is it that you hope to "obtain, that will enable you to pay 1,200 *l.* a year?" I said that the appointment that I had in my view was one the salary of which I believed, at that time, was 1,500 *l.* a year. And he said, "Where is it?" And I told him it was in the House of Lords? And he and the others signed it, hoping that as they get nothing now they would be able to get something in the event of my getting the appointment.

2599. The *Lord Advocate.*] Did not you know before the 6th of January, that the Lord Chancellor absolutely refused to appoint you to a place in the House of Lords?—No; he had not had any direct application made to him; the matter had only been talked over.

2600. You had not directly applied to him?—No; I never applied to him that I recollect, for any appointment, since I had seen him. The only thing approaching to an application to the Lord Chancellor for Mr. Edmunds' appointment, was made by my wife towards the end of the Christmas holidays, at Hackwood. She was staying there, and she told the Lord Chancellor the endeavour I was making to obtain this letter of license; and he at once said, "How does he expect to be able to pay 1,200 *l.* a year?" and she said, "He "expects that if he can place himself in a position, free from embarrassment, "that you will kindly entertain the application that may be made to you for an "appointment." Then she suggested, as I have told you, that Mr. Edmunds' appointment was sure to become vacant, and would he appoint me to it, but he would not entertain it. That was subsequent to the 6th of January.

2601. Mr. *Vivian.*] In the early part of your examination you stated that one reason for your resignation was, that you were aware that Mr. Wilde had borrowed money from the officers of the Court, and you were aware of the way in which the Lord Chancellor intended to deal with Mr. Wilde?—Yes.

2602. And you had, therefore, felt that you could not continue to hold your office?—Yes.

2603. An inference might be drawn from that, that you yourself had borrowed money from the officers of the Court?—No, what I meant to say was, that I knew that those proceedings were pending against Mr. Wilde, because the Lord Chancellor kindly acquainted me with them; I asked the Lord Chancellor what the charges were; and he told me they related to his borrowing money. The inference that I want you to draw is this, that I did not wish an application to be made to the Lord Chancellor, on behalf of myself, who was in debt, to treat me in a different manner to that in which I knew he was about to treat Mr. Wilde, who was also in debt.

2604. *Chairman.*] Have you long known Mr. Harding?—No; Mr. Harding thrust himself upon me in Quality-court, under a false representation. He came to me in a plausible manner one day, and represented that he was an old friend of my wife's family; and he called them all by their Christian names. I certainly was taken in by his plausible manner, and, a few days afterwards, I happened to mention the matter to my wife; it did not occur to me to mention it till some days afterwards, and I asked her who Mr. Harding was, and said that he had stated that he had known her ever since her infancy. She said she had no recollection of him, but she would make inquiries about him; and she did so; and the answer she received to those inquiries about him in Somersetshire, were not of a satisfactory character. He is not a friend of any member of the family.

2605. Mr.

2605. Mr. Harding says that he was acquainted with Mr. Richard Bethell, perhaps, two or three years?—I think it was in 1863 I became acquainted with him.

2606. The *Lord Advocate.*] He said, "I was always very friendly with the "Luttrell family"?—That will not bear investigation.

2607. What time was it that that inquiry was made by your wife?—I think it was in 1863.

2608. Mr. Harding states that on that occasion of borrowing the 500 *l.* from Mr. Welch, an arrangement had been previously made between yourself and Mr. Harding, and which also had been previously made between yourself and Mr. Welch, that you were to use your influence to get an appointment for Mr. Welch, and that you were to receive 500 *l.* down, and that a further sum of 1,000 *l.* was to be paid after the appointment had been obtained; is that correct?—There is not one syllable of truth in it. The one answer to that is, that certainly 12 months previous to this loan of Mr. Welch, I had already mentioned Mr. Welch's name to the Lord Chancellor, and drawn the Lord Chancellor's attention to his testimonials. I had already done that. But there is not one syllable of truth in the accusation.

2609. I think you stated that he did take a note from you from Quality-court to Mr. Welch?—I wrote a note, saying I was sorry I could not leave my office, and that I enclosed the promissory note, and I should be very much obliged to him if he would give the cheque to the bearer, the Rev. Mr. Harding, whom he knew.

2610. You understood that he was acquainted with Mr. Harding?—Oh, yes.

2611. Mr. Welch denied that?—Mr. Harding told me he was; my recollection is, that Mr. Welch and Mr. Harding had been introduced to each other in my office.

2612. When do you think the introduction had taken place?—That I do not know. I should not have sent a mere stranger, I am certain of that.

2613. Your impression is, that there had been a previous introduction between Mr. Welch and Mr. Harding?—Yes. It occurs to me now, that Mr. Harding was living on the same line of railway as Mr. Welch, and Mr. Harding told me that he used to travel up with Mr. Welch sometimes. I think you will find that they knew each other.

2614. Should you say that this statement of Mr. Harding's is a pure invention?—A pure invention.

2615. Mr. *Evans.*] Mr. Harding said you offered to give him a third of the 1,000 *l.* for his trouble; that is not correct, you say?—That is all untrue.

2616. *Chairman.*] Have you ever had any negociations with Mr. Harding?—Mr. Harding has obtained me frequent loans of money; he obtained me a loan from Mr. Poole, of Lincoln's-inn, of 500 *l.*; and he obtained me a loan from Mr. Newton of 250 *l.*; and he obtained me a loan from a Mr. Kish, in Lancaster-place; he constantly used to obtain me money.

2617. When do you think he first obtained a loan for you?—In 1863.

2618. Had you been in the habit of mentioning your difficulties to him?—Oh, yes! I was foolish enough to believe that he had great influence with capitalists, and that he would be able to carry out this large loan that I applied to Mr. Welch to carry out.

2619. Those negotiations were subsequent to your having been informed from Somersetshire that he was not satisfactory?—He was represented as not being a satisfactory character that I should receive at my house; but at the same time I was in difficulties, and I thought I might make use of him from his influence with monied people.

2620. Did he ever receive anything in the nature of a commission from you?—I fancy I have paid him money; but I do not remember the amounts; I will not say that against him, that he always made it a stipulation that he was to receive a commission; I do not know what object he had to serve by that.

2621. He did obtain money for you on different occasions; have you given him something?—Yes, he always used to take it by way of loan.

2622. He said two or three times over in distinct terms, that if Mr. Welch succeeded in getting the appointment he was to give up the 500 *l.* and was to give him 1,000 *l.* more, of which he was to have a third?—We never had any

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conversation upon the subject, and I really think that Mr. Welch would be as incapable of making such a proposition as I should be of accepting it.

2623. He went on to say that subsequent to his obtaining 500 *l.* for you, you were to have another 1,000 *l.*; had he ever any communication with you upon the subject?—No, I left England very shortly afterwards, and I certainly left London very shortly afterwards, for I went down and attended Newmarket races very shortly after I received this 500 *l.*, and I was absent a week, I think.

2624. Had you any communication with Mr. Harding whilst you were abroad?—None whatever; I have avoided him ever since my return, till he sought me out, as I informed the Committee just now, for the purpose of threatening me; he did not enter into any detail in his threats.

2625. When did you first meet him since your return from abroad?—The first time I met him was in Cornhill, in the City; I met him in the street. He did not say anything to me then; I met him some time ago, and he merely told me that he was engaged in large transactions in the City, and could I be of any use to him in obtaining concessions from abroad, and that kind of thing; of course I did not pay him any attention, and I never saw him again till I met him in Cheapside. He knew where to find me, for I had a very great friend, a Mr. Tucker, whose address I have given you, who has acted for a long time as Secretary of the London and Birmingham Bank, of which my uncle was the Chairman; and this bank was amalgamated lately with the European, and is now in process of being wound up, and Mr. Tucker is the only officer of the bank who is there at the present moment; I constantly go to see Mr. Tucker, and Mr. Tucker has kindly allowed me to give his office in Cheapside as the address for letters to be sent to, when I do not wish my address in the country to be known. Mr. Harding knew that he could find me there through having heard of me through Mr. Tucker, and there he found me one day coming out of the bank, at No. 110, Cheapside.

2626. That was the occasion referred to when he threatened you?—Yes.

2627. Mr. *Vivian.*] Nothing passed as to your allowing him one-third of 1,000 *l.*?—Nothing.

Martis, 13° *die Junii*, 1865.

MEMBERS PRESENT.

Mr. Edward Egerton.
Mr. Evans.
Mr. Howes.
Colonel Douglas Pennant.
Mr. Vivian.

The Lord Advocate.
Mr. Bovill.

REFORM CLUB
PALL MALL

EDWARD HOWES, Esq., IN THE CHAIR.

Mr. *Dourassoff Morley*, called in; and Examined.

Mr. *D. Morley.*
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2628. Mr. *Bovill.*] ARE you Clerk to Mr. Bond, of Leeds?—Yes.

2629. On any day in the beginning of this year did you see Mr. Richard Bethell at Leeds?—Yes; I think it was on the 24th of February.

2630. Was it on a Friday?—It was a Friday; I have very good reason for remembering that particular day,

2631. Whatever your reason is, you believe it was on that day?—Yes, I believe it was on that day; I had been in the court attending to business, and had arrived back at the office. Mr. Bond sent for me, and wanted me to step down to the court immediately; accordingly I went down, and arrived at the court, and I was told to wait an instant, because Mr. Bond was in the inner room.

2632. Did you see a gentleman there whom you now know to be Mr. Richard Bethell?—Yes, I walked about Leeds with him.

2633. Were you desired to take him to any place, and did you take him to any place?—I was sent to show him Mr. Schofield's office.

2634. Did he go into that office, and did you wait for him?—I took him to the door, and he went into Mr. Schofield's private room.

2635. Did you wait there for him till he came out?—I told Mr. Bethell I would wait a few minutes, but that, as I was very much engaged at the office, I could not wait longer, and perhaps Mr. Schofield's clerk would show him where to go. He agreed to that arrangement, and I did not see him afterwards.

2636. Were you afterwards at the court?—Yes.

2637. On that day?—Yes.

2638. The 24th of February?—Yes, I was several times in the court.

2639. Did you hear anything stated in the court as to who he was?—When I was first sent for, while I was waiting in the open court, because Mr. Bethell, the gentleman I was to show to Mr. Schofield's office, was in the private room, the door of the private room was opened, and Mr. Bethell came out, and an officer of the court said, "That is the new registrar."

2640. Who said that?—Mr. Samuel Clarke.

2641. What is he?—A messenger's clerk; he is clerk to Mr. Needell.

2642. What was it he said?—He said, "That is the new registrar."

2643. Whilst you were walking about with Mr. Bethell, did he make any inquiries of you?—Not special inquiries; but he talked about Yorkshire and

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Leeds, and he asked me what sort of a place Leeds was to live in, what sort of residences there were for gentlemen, and whether they were accessible in regard to omnibus routes; I told him, of course, there were several ways out of the town to residences, and I believe I mentioned that Mr. Welch, the present registrar, lived in the direction that we were then going; that is in Roundhay-road.

2644. Are there any other circumstances which you can remember, connected with Mr. Richard Bethell being there at that time?—When I returned to the court it had got pretty generally buzzed about that the gentleman I had had the honour of walking up Briggate with was Mr. Richard Bethell, and that he was to take his seat in the court as registrar on the following Friday; and it occurred to me, having a few matters in hand which Mr. Welch had been previously spoken to about, such as orders to draw up and costs to complete for taxation, that I had better go to work and get them done before the new registrar took his seat, in case I should have to go over the business again.

2645. Did you act upon that?—Indubitably. I took a great deal of work home to complete, connected with drawing up orders and so forth (we have a very large bankruptcy business), in order that I might complete those matters before Mr. Welch, instead of having to go before Mr. Bethell on Mr. Welch's business.

2646. Colonel *Pennant.*] While you were walking about with Mr. Bethell, and he was asking about houses there, did he inquire about houses in the neighbourhood of Harrogate?—He asked me about furnished houses. He inquired whether it was possible for a gentleman coming down to Leeds at very short notice to obtain a furnished house? I said, "I do not think that furnished "houses are obtainable in Leeds, as they are in London, and I think the nearest "house of that description would be at Harrogate." I suggested Harrogate, I think; he did not originate it.

2647. He did not mention Harrogate first to you?—I think not.

Charles Fletcher Skirrow, Esq., called in; and Examined.

C. F. Skirrow, Esq.

2648. Mr. *Bovill.*] WERE you formerly a Solicitor of the firm of Gregory & Co.?—Yes, I was.

2649. What are you now?—I am now one of the Taxing Masters of the Court of Chancery.

2650. To which you were appointed by whom?—By the Lord Chancellor. I ought to state, perhaps, that before I was appointed to that office I had left Bedford-row, and was Solicitor to the Admiralty.

2651. Appointed by whom?—By the Duke of Somerset.

2652. Have you been acquainted with the Lord Chancellor for any length of time?—For a great many years; my family are on very intimate terms with him; my father knew him well for a great many years.

2653. Your father before you had also been intimate with him?—On very intimate terms.

2654. Your intimacy with the Lord Chancellor has continued to the present time?—To the present time.

2655. Have you been at all connected with any family arrangements?—None at all.

2656. As trustee, I mean, or anything of that sort?—I beg your pardon, I thought you meant to ask whether I was connected with him; I am no connection, but I am trustee for Mrs. Richard Bethell and her children.

2657. Have you been professionally engaged for the Lord Chancellor?—Never. I never was his private solicitor, except so far as regards managing his elections; he has a private solicitor of his own.

2658. You managed his elections for him you say?—Always.

2659. Does he at all consult with you upon matters of confidence?—He consults with me upon all matters connected with his family.

2660. How long has he been in the habit of doing so?—I should think for the last 10 or 15 years.

2661. Have you been at all consulted with reference to arrangements that were either proposed to be made, or made for the different members of the family?—Yes, always.

2662. Was

2662. Was Mr. Bethell a source of considerable anxiety to his father?—Yes, considerable, for a great many years. *C. F. Skirrow, Esq.*

2663. In the early part of 1864, did Mr. Richard Bethell hold any appointment?—He was appointed in 1863 to an appointment of Registrar of the Court of Bankruptcy at Leeds. 13 June 1865.

2664. Mr. *Edward Egerton.*] You mean in London, not Leeds?—Yes, in London; he held that appointment until May 1864.

2665. Mr. *Bovill.*] Can you give the Committee any information as to what led to his ceasing to be registrar in London?—Yes, I can give the whole story. Mr. Richard Bethell having been appointed in 1863 to this office, the Lord Chancellor took for him a house in London and furnished it for him, and set him up in London, and we were in hopes that everything was going on perfectly straight, and we had no notion that there was anything wrong. On the afternoon of the 13th of May, Mr. Slingsby Bethell received from his brother a letter to inform him that he was hopelessly ruined, and that he would never see him again. That letter was communicated to the Lord Chancellor.

2666. What was the date of it?—The afternoon of the 13th of May 1864; at least it was received on that afternoon. That letter was communicated to the Lord Chancellor in the course of the evening of the 13th, and on the morning of the 14th he sent for me; he was in a great state of distress, and in my presence he wrote a letter dated the 14th of May 1864, to Mr. Miller, the Chief Registrar of the Court of Bankruptcy.

2667. Without any further inquiry into the circumstances?—The letter of Mr. Bethell to his brother was perfectly sufficient; he said he was hopelessly and entirely ruined. I think his letter went on to state that they would never see his face again, which alarmed the Lord Chancellor immensely. On the 14th of May, the Lord Chancellor wrote that letter to Mr. Miller, and it was sent to Mr. Miller's house, as far as I can recollect. Mr. Miller was ill. Mr. Miller wrote back a letter, begging the Lord Chancellor to suspend his judgment for 48 hours. The Lord Chancellor, in his letter to Mr. Miller, had dismissed Mr. Bethell, and there was a great question whether the Lord Chancellor, under the Act of Parliament, had the power to dismiss him on the ground of his being in debt, because there was no neglect of duty in his office. That was argued by Mr. Miller, in the correspondence between Mr. Miller and the Lord Chancellor. I think two letters on each side passed between Mr. Miller and the Lord Chancellor; two from the Lord Chancellor, and two from Mr. Miller, particularly a very long letter which Mr. Miller wrote to his Lordship, arguing and discussing the case with the Lord Chancellor.

2668. That is a letter which has been already put in?—I can give the exact dates. On the 14th of May, in the morning, the Lord Chancellor wrote the first letter to Mr. Miller. About two o'clock in the afternoon Mr. Miller writes a letter back to the Lord Chancellor from his bed. The Lord Chancellor writes to Mr. Miller on the same day, I think, and thanks him for his letter, and on the 16th of May, Mr. Miller writes what I call his statement to the Lord Chancellor, which is contained in some four or five sheets of paper. Mr. Miller, in that letter, stated to his Lordship that the resignation of Mr. Bethell had been left in his hands, and then the Lord Chancellor sent for me. If the Committee will allow me, I will refer to a lithographed copy of some letters which I have here for the sake of convenience. I am quite right, the 16th of May was on a Saturday. The Lord Chancellor goes to his country house on the evening of the 16th, and on the 17th he addresses a letter to me, which I can read either from the lithographed copy, or from the original. I have the original here. This is the letter the Lord Chancellor wrote to me.

"Hackwood Park, Basingstoke,

"My dear Charles, "17 May 1864.

"I have not yet sent the letter to Sir John Stuart. Mr. Miller sent me the enclosed, which is creditable to him, but Richard must resign instantly, or rather, the resignation he has left in Miller's hands must be at once acted on. What has been done about the house and furniture? I am a little doubtful as to appointing Abraham. If R. leaves his son to be educated in England, I fear he will never be able to live on his income, but I shall be much guided by your advice. I must not hesitate long, but make the appointment (whoever it may be) during the present week."

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2669. Colonel *Pennant.*] To whom was that letter addressed?—To myself. The resignation still remained in the hands of Mr. Miller. The Lord Chancellor declining to see his son; I was the only person who could communicate with Mr. Richard Bethell, and I urged upon him very strongly that he had much better allow the resignation to be sent in. As far as I can recollect, it was during that week (the Chancellor, I presume, returning on the Monday), that his Lordship wrote me this letter (*producing a letter*). I had some interviews with him during the week no doubt, but I find, amongst some letters which I kept, a letter from his Lordship, dated Thursday; I must ask leave of the Committee to read from a copy now; I have had the original, but I sent all the letters to the Lord Chancellor, and I find that that letter has not been sent back to me. However, this is a copy which I examined myself.

2670. The *Lord Advocate.*] Was that letter addressed in the same way as the last?—Yes.

2671. The Lord Chancellor always addressed you in the same way, did he?—His Lordship sometimes addressed me as "My dear Skirrow," but very often as in the last letter.

2672. He addresses you by your Christian name in conversation, does he not?—He always calls me by my Christian name. The letter he wrote to me on the following Thursday was to this effect:—

"1, Upper Hyde Park Gardens, W.

"My dear Charles, "Thursday.

"After a sleepless night I can think of nothing better than the conclusions I mentioned yesterday. It is useless to attempt to make any arrangement founded on his retaining his office. It would be discreditable to me his being allowed to remain. He must leave the country immediately; Germany will be the best place of residence, but care must be taken to fix it in a country where the foreign holder of one of his acceptances could not sue him. All that he can do is to devote himself to the education of his children abroad. It will be greatly for the future benefit of his sons if they become good German and French scholars. I shall not listen to any proposal for his return to this country for some years. His childish vanity and weakness are such that he is always the prey of some rascal or other. * *

"I am sure he must be indebted to you; I will repay you. But do not lend any more money to him, for it is a direct encouragement to evil. If his wife and six little children, affection for his father and brothers and sisters, and regard for his own character and position, have not been sufficient to keep him from plunging a *fourth time* into these mad and evil courses, nothing will." * * * * * * *

2673. Can you fix the date of that letter?—These letters are all in the month of May; Mr. Richard Bethell still did not send in his resignation (I am talking only of a day or two), and the Lord Chancellor then addressed to me another letter (*producing a letter*), which has nothing very material in it—

"Hackwood Park, Basingstoke."

2674. Mr. *Bovill.*] This letter has not any date?—No, but you will find, if you allow me to read the letter, that it was written in May.

"I thought it best, on reflection, after receiving Mr. Miller's letter not to write instantly to Stuart, but to wait until you have got Richard's resignation."

2675. Colonel *Pennant.*] Who is Mr. Stuart?—The Vice Chancellor Stuart's son, and is the Lord Chancellor's Secretary of Presentations—The letter goes on; "As there is now a recess, if he resigns before next Monday it will do; I sup-
"pose we shall not get him to make any final arrangement as to his future abode
"until the Derby is over; when his chimerical hopes are gone he will probably
"listen to some reasonable plan of his immediately going abroad. He and Flo
"might go first by themselves to find a place of residence, and I would take
"care of the children here at Hackwood." The resignation was then sent in and accepted.

2676. Mr. *Bovill.*] There is no end to this letter?—That is all I could find

of

of it; there was something, I suppose, about the ladies at the end, and asking me down to Hackwood; it has no date to it, but you will see by the reference to the Derby that it must have been in May.

2677. Mr. *Edward Egerton.*] Mr. Bethell's resignation took place about the 18th of May?—My own notion is, that the resignation is dated the 16th of May, the date of Mr. Miller's letter, because he says in his letter, "I have Mr. "Bethell's resignation."

2678. But then it was not acted upon immediately?—No.

2679. *Chairman,*] When was Mr. Pepys appointed?—Mr. Pepys was appointed at the end of May; there was some discussion between the 18th and the 30th of May.

2680. Mr. Miller held the resignation all that time?—He held the resignation; I have stated exactly what took place about the resignation.

2681. Mr. *Bovill.*] I see there is some statement about repaying you in one of those letters; did Mr. Richard Bethell owe you any money?—Yes; but if you will allow me, it is rather a long statement, and I should like to make that separately, and not in this part of the narrative.

2682. Have you finished the narrative as regards this part?—Mr. Bethell resigned and went abroad, and I think Mr. Pepys was appointed in his place.

2683. Do you know the date of that?—No; I have nothing to do with the Bankruptcy Court.

2684. I suppose, at that time, Mr. Richard Bethell's position was one of hopeless insolvency?—Hopeless, I felt. At that time we could not get an account of his debts. Mr. Miller, in his letter, says that he had seen Mr. Bethell, and that the amount was 20,000 *l.*; but I should think it was certainly more.

2685. Had you any acquaintance with Mr. Welch?—None in the least.

2686. What was the first occasion of your seeing Mr. Welch?—The first occasion on which I ever saw Mr. Welch was in February 1865.

2687. Were you at all aware of Mr. Bethell having any money transaction with Mr. Welch in May 1864?—I should say not, but I heard of so many people who had bills, and so many debts, that I could not positively swear that I never heard the name, but certainly it was never brought prominently before me.

2688. You did not know Mr. Welch at that time?—Not in the least; although he lives in the Temple, I never saw him.

2689. Were you aware of any of the circumstances connected with the appointment of Mr. Welch in July?—None at all. After Mr. Richard Bethell left in the month of May, in June and July I may have seen the Lord Chancellor from time to time, but I had no particular business with him then about the family, and I did not see much of him until August, when he went down to his yacht.

2690. Did you know anything about the circumstances connected with the resignation of Mr. Wilde?—Nothing at all; I had nothing to do with it; I never saw any of the papers connected with it.

2691. And you know nothing about it?—I know nothing about it.

2692. Did you know anything of any subsequent pecuniary transactions between Mr. Welch and Mr. Richard Bethell?—None until yesterday; either yesterday or Saturday.

2693. At any time, did you take any part in any negotiations or arrangements for the appointment of Mr. Richard Bethell to any office in the House of Lords?—The Lord Chancellor was very much pressed by Mr. Richard Bethell and by his wife to do something for him, but I did not take any active part in it. Perhaps I had better continue the narrative; I knew nothing about the resignation of Mr. Wilde in July, or the appointment of Mr. Welch. Towards the end of October I was in Paris, and saw Mr. and Mrs. Bethell; I think it was between the 20th and 30th.

2694. Colonel *Pennant.*] October 1864?—Yes, October 1864. Mrs. Bethell was very unhappy, with all her children abroad, and was very desirous to return to this country, and Mr. Bethell had been negotiating with his creditors, I believe, who were going to give him a letter of license, and different arrangements were proposed. Sometimes he hoped that the Lord Chancellor would pay a large sum of money. Different plans were proposed to establish him again in this country, as Mrs. Bethell was very unhappy at his being abroad, and thought he

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was much safer here than abroad. Accordingly Mrs. Bethell pressed the Lord Chancellor for some appointment. It was not particularly, I think, as to the House of Lords, but some appointment, and both Mrs. Bethell and myself certainly did press upon the Lord Chancellor that he should reconsider the case of his son.

2695. Mr. *Bovill.*] What date do you give to that?—I saw Mr. Bethell in Paris in October. They did not return to this country till about the 10th of December, as nearly as possible. At Christmas time I went down to the Lord Chancellor at Hackwood. I tried to get the Lord Chancellor into conversation about it, but the Lord Chancellor took a very decided view that there was nothing to be done but for his son and family to go abroad, and that was his determination. I took an entirely different view. I quite agreed with Mrs. Bethell that the best thing for him was to remain, if possible, in this country. The Lord Chancellor, on many occasions, got extremely angry with me, and attributed his son's obstinacy, as he called it, to my conduct.

2696. Can you give me the date of the letter of license if you are going beyond that date?—I think I am right in saying that this was before it was discussed; this was in December. I went down to Hackwood to see the Lord Chancellor upon one occasion, and I presume by this note that I was expected again, as the Lord Chancellor wrote me this letter in December 1864, from Hackwood (*producing a letter*).

2697. What is the date you give to this letter?—By his Lordship's asking me down to Hackwood, I see it was written in December, and from Hackwood, though I think the letter is dated from Upper Hyde Park Gardens. The Lord Chancellor writes on paper with that printed on it; but I recollect receiving that letter in December. I will read it.

> "My dear Charles, "Sunday,
> "I am much disappointed at your not coming down to-morrow, * * * * * As to Richard, it is hopeless; let him understand that I neither can nor will ask for any place for him * * * I will increase his allowance to 1,000 *l.* per annum if he will go and live in Dresden, or some other proper place, and educate his children there, where they can be well brought up."

2698. Have you got the remainder of this letter?—That letter was entirely about the Lord Chancellor's will; I then went down to see the Lord Chancellor, and my object I think then was to see whether I could bring about a reconciliation between the Lord Chancellor and Richard; this was in December. I went down in the course of December; I think I was there on Christmas-day; I did my best with the Lord Chancellor, but failed; notwithstanding all my endeavours, I could not get on, and I made up my mind that the best person who could then see him would be Mrs. Bethell, and I think I wrote a note to her to request that she would come down. Mrs. Bethell not coming down before I left, I left on the morning of January 4th, 1865. The Lord Chancellor had been personally kind to me; but whenever I referred to his son he always assumed an entirely different tone, and as I was leaving on the morning of the 4th of January, he put into my hand an envelope addressed to his son containing a letter, which he told me to read as soon as I had left the house, and I was then to hand it to his son, and I was to look upon that letter as his *ultimatum*, and that he would not see me if ever I spoke to him on the subject again. I did read that letter; I thought the letter excessively strong in its tone, and I did not think it could do any good, and I kept the letter, and I never delivered it, but I conveyed to Mr. Bethell what was in the letter.

2699. The *Lord Advocate.*] What is the date of the letter?—January 4th, 1865; the Lord Chancellor never knew that the letter had not been delivered to his son until the proceedings in this matter commenced, when I thought it my duty to inform his Lordship that I had not delivered the letter. The letter began, "Richard, Nothing will induce me to give you the place of clerk at the "table if it should become vacant; you have been a disgrace, and a source of "infinite sorrow and reproach to me during the last 10 years. I have given you "every opportunity of amendment, but there is no hope of you, nor have I the "least confidence in your ever having better principles; I will not see you again. "Your best course will be to go to the Continent, and try, by attention to your "wife

"wife and children, to make some amends to them for the grievous injury you "have inflicted on them." * * * * I may take this opportunity of saying, that I am very sorry now that I did not deliver that letter.

2700. Mr. *Bovill.*] I am desirous to keep matters, as far as possible, in order of date; you have produced a letter of the 4th of January, but before that time was there a proposal for a settlement of Mr. Bethell's debts?—Yes; it was got up entirely by Mr. Bethell himself. He came to me one day and said, "If I "can get all the creditors to release me as long as I pay so much a year, will "you act as trustee." He was in hopes that the Lord Chancellor would assist him in some way. I said, "If my name is of any use; but you had better put "my name, and your brother-in-law, Mr. Parkyns"; but I was no party to it. It is entirely a scheme of his, I think, to keep the creditors quiet; and you will observe, from the way that it is drawn up, he was in hopes that by paying 300 *l.* on the 1st of May 1865, to keep everything quiet until the following August, which is next August.

2701. This paper which was put in yesterday says, "Proposal of the Honour- "able Richard Augustus Bethell for settlement of his debts. Mr. Bethell to pay "1,200 *l.* a year into the hands of Charles Fletcher Skirrow, Esq., one of the "taxing masters of the Court of Chancery, and Mansfield Parkyns, Esq., official "assignee in the London Court of Bankruptcy, as trustees for the creditors, by "equal quarterly payments, to commence 1st May 1865, until the debts, with "interest at 5 *l.* per cent., shall be fully paid"?—My own notion is, that Mr. Bethell very ingeniously thought, that if he could get the creditors to consent to that, he would pay the 300 *l.* on the 1st of May, and that would keep the creditors quiet until August.

2702. Were you at all aware of his having made any representation that the 1,200 *l* a year would come from the emoluments of the office in the House of Lords?—Certainly not. Nothing could be more monstrous; there never was any hope held out to him at all; I never saw any creditors with reference to that.

2703. Supposing he has made to creditors any representation to that effect, or held out to creditors that he was to be appointed to the House of Lords, had you anything to do with that?—Nothing at all. I may say that he mentioned on leaving the Committee room yesterday that some paper had been produced by Mr. Carew of which I have got the original signed by Mr. Carew, but which contains no note of that.

2704. The *Lord Advocate.*] Have you the original here?—Mr. Bethell's solicitor has got it.

2705. Mr. *Bovill.*] Have you had any conversation with Mr. Bethell on the subject of an appointment in the House of Lords?—He has always been urging it, and I have aways told him that the Lord Chancellor would not listen to it; he was always pressing the Lord Chancellor.

2706. Pressing the Lord Chancellor for what?—To do something for him in the House of Lords, if the appointment in the House of Lords became vacant; but the Lord Chancellor would not listen to it, as may be seen from the heading of that letter which he wrote to me.

2707. You mean that he would not listen to his having any appointment?—I think the letter begins, "Nothing will induce me to give you the place of "clerk at the table if it should become vacant."

2708. In your verbal communications with the Lord Chancellor, did he or not repeat the substance contained in that letter?—Yes. He would not allow me to approach the subject, and I gave it up, and then we hoped for something else. On the 4th of January last he gave me that letter before I came to London. I did not show that letter, but I saw Mrs. Bethell. I told Mrs. Bethell that it was quite hopeless to do anything at present with the Lord Chancellor, and nothing, I think, was done. I do not recollect anything particular until we come to the month of February.

2709. During all January and February, in your communications personally with the Lord Chancellor, did he always express the same view of not giving his son an appointment?—Yes; but I think we agreed it was better not to trouble the Lord Chancellor much until there was something tangible to apply for.

2710. Who agreed?—Mrs. Bethell and myself.

2711. Had you any communication with Mr. Welch about that time?—Towards

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Towards the end of February, I should say about the 17th or the 18th, I ascertained that the Lord Chancellor intended, or had made up his mind, or was going to appoint his son, Mr. Slingsby Bethell, to the House of Lords, and I saw at once that there would be a vacancy in London among the registrars. I then thought it would be worth while to appeal to the Lord Chancellor again. I was always averse to Mr. Bethell coming to London, because I thought he would be with his friends; but I thought a country appointment might very properly be given to him, considering the manner in which he had been compelled by his father to resign, and considering that he was a man of very good business habits and very great intelligence, and always worked very hard in his office. Accordingly, on Saturday the 18th of February, I proceeded to Lincoln's Inn, where the Lord Chancellor was sitting. The Lord Chancellor had risen for the day, and when I went in I announced to him what I had come about. The Lord Chancellor was very angry. He said I had taken a very great liberty in pressing upon him any appointment for his son, and I remember perfectly that he did a thing which he never did before. He got up and left the room, and went to his carriage without taking any notice of me. I think it was on that day I saw Mr. Richard Bethell, and I told him I would fight his battles no longer, and that I could do nothing with the Lord Chancellor at all.

2712. Can you give the date of that?—That was either Saturday the 18th, or Sunday the 19th. It was on Saturday the 18th that I saw the Lord Chancellor.

2713. On the Monday, or the Tuesday, did you see either Mr. Richard Bethell or Mr. Welch?—No. The Lord Chancellor having expressed himself so strongly to me on the Saturday, I did not go to see the Lord Chancellor on the Sunday, or the Monday, or the Tuesday.

2714. On either of those days did you see Mr. Richard Bethell or Mr. Welch?—I am prepared to swear that I neither saw one nor the other. On the 18th February (to go back again) the Lord Chancellor still pressed me to send his son abroad. He offered to give me money for the purpose, but Mr. Richard Bethell would not accede to that. On the morning of Wednesday the 22d, I received a message, I think, or a note from the Lord Chancellor, to go to his house immediately. I went, and I found the Lord Chancellor at breakfast. His Lordship received me much more kindly than he had on the previous Saturday, and he seemed in great distress of mind. He had received a letter from Mrs. Bethell that morning, I think, announcing to him that she was near her confinement, a fact which was quite unknown to the Lord Chancellor and myself, and that therefore his proposition to send her abroad was perfectly useless. Mr. Richard Bethell at that time had six children, all very young indeed. I therefore pointed out to the Lord Chancellor that it really was impossible she could leave the country for three or four months, and I again urged upon him to reconsider his views about his son. I am ready to admit that I put it to him in the strongest and most affectionate manner, and that the Lord Chancellor did listen to me, but he told me he would do nothing and could do nothing until I had laid before him a statement of the debts, and how they would be compromised and arranged. I did not see much advantage in that, but the Lord Chancellor certainly received me more kindly, and he gave me permission, after seeing his son, to talk to him again on the subject; but he never said that he would appoint Richard to any place, and he never authorised me to say so. On the morning of the 22d, after leaving the Lord Chancellor, I saw Mr. Bethell. Speaking to him of course without any reticence, and without any caution (and I am afraid that I did it in a very incautious way), I have no doubt I told Mr. Bethell that I thought his wife's letter had done a great deal of good, and that the Lord Chancellor certainly was more courteous, and I told Mr. Bethell that he must immediately set to work and prepare a list of all the debts, how they were situated, and what could be done with them. I should state perhaps, which I had forgotten, that at the interview with the Lord Chancellor on the Wednesday morning, my view was that the Lord Chancellor should transfer some person to London, and give Mr. Bethell a country appointment, and my mind was very much directed to Bristol, as Mrs. Bethell's family lives in that county. When I saw Mr. Bethell, he said he should prefer Leeds, and I think he said he was going on a visit to Leeds, and that he would look about there and see if he could get a house for his wife; that he would make inquiries; that he was going to arrange some creditors' claims at Leeds, and he

was

was going to stay with his friend Mr. Welch. I said, "When you come back "you had better come and see me. You had better make out this list of debts, "and let me take an opportunity of introducing the matter to the Lord "Chancellor." This interview took place at my office in Staple-inn. I have two rooms there, one for business, and one at the other side of the passage to see people who wish to call upon me; and I remember on this occasion perfectly, that the whole of this conversation took place with Mr. Bethell standing, as I had an appointment on business going on, and I left the business on purpose to speak to him.

2715. Colonel *Pennant.*] This was still on the 22d?—Yes, on the 22d, after I had spoken to Mr. Bethell (and I am afraid I spoke rather incautiously), as I was leaving the room (I think I am accurate in this) Mr. Bethell left the room and went into the passage; I was going out of the door, when Mr. Bethell suddenly returned with a gentleman whom I had never seen before, and he said, "Allow me to introduce you to Mr. Welch, whom I am going to stay with "at Leeds." Mr. Welch said that he had applied to the Lord Chancellor to be transferred to London; I made no remark to that; I said that I hoped we should succeed in doing something for Richard, and that was all the conversation that passed; I returned to my office, and Mr. Bethell went away with Mr. Welch.

2716. Mr. *Bovill.*] At that interview with Mr. Welch, did you or Mr. Bethell tell him that he had been appointed to London?—No, I did not say so; I never saw Mr. Welch till Wednesday the 22d, in that short interview of a few minutes, I should say.

2717. We only wish to know from you, whether at that interview on Wednesday the 22d, the first time you saw Mr. Welch, you told him that he had been appointed, or said anything to lead him to suppose that he had been appointed to London?—No; I said I hoped we should do something for Richard; perhaps if Richard had selected Leeds, and pressed for a country appointment at Leeds, somebody may have been transferred; that may have been in Mr. Bethell's mind, and he might, as it now turns out, have told Mr. Welch "I shall "press to be appointed to Leeds;" but I had no authority from the Lord Chancellor to mention to Mr. Welch any appointment in London, or anything of the kind.

2718. Did Mr. Bethell or Mr. Welch request you to press for the appointment of Mr. Welch to London?—Not at all; I never saw him till Wednesday the 22d, after my interview with the Lord Chancellor; I found out, a little time afterwards, that Mr. Miller had been pressing the Lord Chancellor to appoint Richard to London, but that I had never heard of.

2719. Colonel *Pennant.*] Your interview with the Lord Chancellor was on the morning of the 21st?—On Wednesday the 22d.

2720. All on one day?—All on one day.

2721. Mr. *Bovill.*] Did anything pass at all from you or from Mr. Richard Bethell and Mr. Welch, to the effect that either Mr. Bethell would be or had been appointed to Leeds?—No; and I conveyed nothing, except some remark that I hoped it would be all right with Richard if we could get it done and put in a proper shape, and that the Lord Chancellor, I hoped, would allow me to see him again on the subject.

2722. Did anything pass as to Mr. Welch having been, or being about to be, appointed to London?—No; I have no doubt Mr. Richard Bethell told Mr. Welch that things were looking better, and that he had a chance of some country appointment. In fact, personally, I was pressing Bristol.

2723. When you say you have no doubt, do you mean that you heard anything of that sort pass?—No; but Mr. Bethell left the room and brought back Mr. Welch.

2724. What passed you do not know?—I do not know at all. On the 23d Mr. Bethell goes to Leeds, as I am informed; he is there on the 24th, and he returns on the night of the 24th. I never saw him. On Saturday he was with his wife. On Sunday morning, the 26th, the Lord Chancellor sent for me. The moment I entered the room, he was excessively violent, and he told me that he had deeply regretted that he had sent for me on the Wednesday, as I had taken advantage of that interview, and had misrepresented to Richard what had taken place. He was very angry. I repeated to him exactly the conversation which had passed between Mr. Bethell and myself, and which I have stated here, but he positively told me that he would never listen, directly or indirectly, to any application about his son.

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2725. What time was this on Sunday?—I think about 11 o'clock.

2726. Sunday, the 26th of February?—Yes.

2727. What next occurred?—I saw Mr. Bethell on the Monday morning, and I informed him what had happened.

2728. At what time on the Monday morning did you see him?—I think about 11 o'clock; that is the general time he comes to me, I think.

2729. He came to you, did he?—Yes, I think so, to Staple Inn, on Monday the 27th. On the afternoon of the 27th I came down to the House of Lords about four o'clock, or half-past four o'clock, not with the intention of seeing the Lord Chancellor, but to see his principal secretary; and as I was coming along the lobby I met Mr. Miller, who had some papers in his hand, and he said, taking out a bundle of papers, "I have brought these appointments down for the Chan-"cellor to sign." I expressed the greatest astonishment, in a very strong manner.

2730. What appointments were they?—The appointment of Mr. Welch to London, and Mr. Richard Bethell to Leeds.

2731. Were those appointments written out ready for signature?—I only saw the back of them.

2732. They purported to be the appointment of Mr. Richard Bethell to Leeds, and Mr. Welch to London?—He told me so. I, in the strongest manner, expressed my surprise, and said, "It is a pity that you were not at the "interview with the Chancellor yesterday, and I do not advise you to go into "his room, and to produce them, because he never gave any authority whatever "for their preparation." I am ready to state that between Wednesday the 22d and Monday the 27th, I never saw Mr. Miller, and that I never gave him directly or indirectly, any instructions with reference to those appointments.

2733. Are you aware of the evidence that he has given on that subject?—I have not seen the evidence of any of the witnesses; but the Lord Advocate read to me what Mr. Miller had stated with reference to me and those dates; and I am confirmed in that, and the reason that I speak so positively to the fact is this—I know the astonishment that I had on the 27th when I saw the appointments, and if I had told Mr. Miller to prepare them, he would of course have replied upon me; but I asked him who had authorised them, and he did not give, I think, any answer. I said there was something wrong. Mr. Miller (if you refer to the date in his evidence) says, "I think that he had the appointments "prepared on Monday the 27th." That was after the interview which I had on the Sunday with the Lord Chancellor, and therefore it is impossible that I could have given him any instructions. He says that on Monday the 27th, they were prepared.

2734. The law stationer's bill has been produced to show that it was the 27th on which the appointments were engrossed, and the day on which the fair copy was made of each of those appointments?—Yes.

2735. Your attention has been directed to this, and you are now enabled to speak to it?—I was satisfied throughout. When Mr. Miller wrote a letter, the other day, to the Lord Chancellor, the Lord Chancellor desired him to say on whose authority he had prepared those appointments. He wrote to the Lord Chancellor, saying that they were certainly not prepared by any authority from the Lord Chancellor, but that he thought that the suggestion came from Mr. Skirrow. I immediately repudiated it, and I told the Lord Chancellor so, and I told Mr. Miller that he was entirely wrong.

2736. So far as you are concerned, it certainly did not emanate from you?—It did not.

2737. In any shape or way?—In any shape or way. I never saw Mr. Miller from the Wednesday to the Monday. In fact, I do not think I have seen Mr. Miller more than six or seven times in my life; I never was in his office in my life.

2738. Mr. *Vivian.*] Did you ever tell Mr. Miller that you had suggested the transfer of Mr. Welch to London, and the appointment of Mr. Bethell to Leeds?—No; Mr. Miller was pressing the Lord Chancellor to appoint Richard to London, I pressed him to do something for Richard in the country, but no suggestion of that kind ever came from me.

2739. Mr. *Edward Egerton.*] You are quite certain that you never saw him between the 20th and 25th of February?—I do not think that I saw him at all. My dates are these; on Saturday the 18th, I had that interview with the Lord Chancellor,

Chancellor, when there was some difference between us. I never saw him again until Wednesday, when he allowed me to speak to him again on the subject, and I never saw him again until Sunday the 26th.

2740. Mr. Miller stated that it must have been some time between the 20th and 25th of February?—I am positive that I never saw Mr. Miller on the Wednesday, or until the Monday.

2741. Colonel *Pennant.*] Look at Question 554?—"Were the two appointments, the appointment of Mr. Welch to London, and the appointment of Mr. Richard Bethell to Leeds, not only drafted, but copied?—They were; they were engrossed. Mr. Charles Skirrow told me he believed that arrangement would come off." I entirely differ from that statement. I never saw Mr. Miller on the subject.

2742. The *Lord Advocate.*] Refer to Question 457?—"Mr. *Bovill.*] You would hardly prepare a draft of that sort, would you, upon the mere statement of some gentleman who was a friend of the Lord Chancellor's? I knew Mr. Skirrow to be a very intimate friend of the Lord Chancellor, and I had no doubt that what he told me he believed to be true. He told me that he believed he should prevail with the Lord Chancellor." I am glad to say that I know my duty better than to give any authority to make out any orders without the written instructions of the Lord Chancellor, and nothing of that kind took place.

2743. *Chairman.*] Mr. Miller merely says that you stated circumstances to him, and believing those circumstances, he prepared the orders, and he says that he prepared the orders on his own authority?—He had no communication with me between the 22d and the 27th. The reason I am so positive about it is this; I shall never forget the impression that was made on my mind when I came down to the House of Lords on Monday the 27th, and I then satisfied my mind that I had never seen Mr. Miller, and Mr. Miller never for one moment suggested it.

2744. Colonel *Pennant.*] Question 478. "How came you to prepare that order after what had passed between the Lord Chancellor and yourself"? The answer is, "From what Mr. Skirrow told me, I was led to do it"?—That must be a mistake entirely.

2745. Mr. *Edward Egerton.*] Are you quite positive that you never saw Mr. Miller at any time between the 22d and the 27th?—Positive.

2746. Mr. *Bovill.*] On the 22d did anything of the sort pass to which Mr. Miller has referred?—Not in the least.

2747. Or at any other time?—No; from the 22d to the 27th I never saw Mr. Miller.

2748. At any time previously had you made any statement to Mr. Miller?—I never got leave from the Lord Chancellor to speak to Richard on the subject until the 22d of February.

2749. The *Lord Advocate.*] He forbad you on the 18th?—On Saturday the 18th he left me in the way I have described, and he sent for me on the morning of the 22d, when he certainly allowed me to have some conversation again with him on the subject; I had no authority until Wednesday the 22d, even to mention it to Mr. Bethell; and I told Richard to make out a list of the debts, and to make inquiries.

2750. Mr. *Bovill.*] I understand you to say that no statement to the effect that has been read was made by you to Mr. Miller?—None; I am positive upon it.

2751. Are you able to throw any light upon this matter, from any fact within your own knowledge, as to how those three appointments came to be prepared, engrossed, and copied?—I have no evidence of the fact.

2752. I ask you for any fact?—I do not know any fact at all.

2753. Was any statement of debts prepared?—I think there was a statement of debts prepared in 1864.

2754. Do you remember whether Mr. Welch ever appeared as a creditor in that statement, or in any statement verbally?—My position ought to be explained with regard to Mr. Richard Bethell. Although I am a friend of the family, I am no companion of Mr. Richard Bethell, and Mr. Bethell does not make me a *confidante* in all his transactions. He comes to me when he is in trouble, but I know nothing personally of his affairs.

 2755. I understand

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2755. I understand that the Lord Chancellor required a statement of debts?—There was no statement prepared; that was never forthcoming.

2756. Were you ever aware that Mr. Welch was a creditor of his?—I saw many people in May 1864, but it never was prominently brought before me. I had a great many personal interviews with people, but I never saw Mr. Welch.

2757. Did you know of Mr. Bethell going to Leeds on the evening of the 23d?—When he left me, I think he said he was going on a visit for a day or two, but I expected to see him again.

2758. Did Mr. Miller have any conversation with you, as to why any appointments had not been made or anything of that sort?—None at all.

2759. Mr. *Edward Egerton.*] You stated just now that Mr. Welch was introduced to you as the person Mr. Bethell was going to see at Leeds?—Yes, on Wednesday the 22d.

2760. Mr. *Bovill.*] Is there anything else which you wish to add?—I have no other fact at all to mention, excepting upon that question, which you allowed me to postpone, as to my being a creditor of Mr. Bethell.

2761. The *Lord Advocate.*] There is one letter which I think you have forgotten to call attention to?—That is a letter from the Lord Chancellor, again urging him to go abroad, dated "January 14. In stating what I would do for "Richard, if he would at once settle in Germany, where the children may be "well educated, I forgot to mention that I would at once advance him the "200 *l.*, the amount of the additional allowance. I am sure that at Dresden or "other places, he might live in great comfort at 1,200 *l.* per annum." That 1,200 *l.* is not all the Lord Chancellor's. The Lord Chancellor means 1,000 *l.* a year from him, and 200 *l.* a year from his wife's fortune.

2762. Mr. *Bovill.*] What is the additional 200 *l.*?—A kind of present if I would get him out of the country. Now as to the debt, in 1862, at which time Mr. Bethell was principal secretary to the Lord Chancellor, and which office he had held about a year, I think I heard, or Mr. Bethell came to me to inform me that it was very likely as he had conducted himself so satisfactorily in his office, that the Lord Chancellor would confer upon him some place in the Bankruptcy Court in London. He then confided to me that before taking that office, it was necessary for him to pay certain debts; whether they were turf debts I do not exactly recollect, amounting to 600 *l.*, and he was in great distress as to getting this money; I told him that if he would satisfy, me, and give me his word of honour as a gentleman, that he would have nothing more to do with the turf, I would advance him 600 *l.* on his bond. On that occasion he wrote me this letter, dated 26th February 1862:—

> "My dear Skirrow,
>
> "Your most handsome and unexpected offer to-day, so thoroughly took me by surprise, that I was unable to express sufficiently to you how sensible I am of your generous and kind conduct. I should be most ungrateful were I ever to forfeit my pledge, which I sincerely offer you, that I will not depart from my resolution to avoid all places or classes of men that might lead me into the temptation of again entangling myself in turf pursuits. I am not averse to work provided there is a comfortable *quid pro quo*, which, I trust to secure during the Westbury reign, so as to thoroughly occupy me during the best part of the day.
>
> "Believe me yours most sincerely and obliged,
> "*Richard Bethell.*"

I sent the money not to Mr. Bethell, but to his solicitor, who duly applied it. It is due to the Lord Chancellor that I should make this statement; that advance was in February 1862. Of course it was perfectly private between Mr. Bethell and myself. In May 1863, some money became payable to the trustees of Mrs. Bethell's settlement; I say Mrs. Bethell, because Mr. Bethell has no interest in it. Mr. Bethell had encumbered the money which ought to have come to the trustees, to the amount of 300 *l.* I went to the Chancellor and told the Chancellor the fact. He told me to pay the 300 *l.*, and he would immediately send me a cheque for the money. A day or two afterwards, the Chancellor sent for me to Lincoln's

Lincoln's Inn, and he asked me if there were any money transactions between myself and his son, save and except the 300 *l.* which he knew of. I rather evaded the question. I thought the Chancellor had no right to inquire into my private affairs; and the Chancellor then positively taxed me with having lent Richard 600 *l.* I asked him under what circumstances he knew it; and he said, "My son came to me this morning, in great anxiety, and he told me that "he not only owed you 300 *l.*, which I knew of, but also 600 *l.*, making "900 *l.*" I said that if Mr. Richard Bethell had told him, I was relieved from any feeling about it, and that he was perfectly correct in what he said. The Chancellor was rather annoyed at my having lent the money, and he thereupon sent his son a cheque for 1,500 *l.* to pay me back the 900 *l.*, and to keep the other 600 *l.* for other purposes. This is the letter which the Lord Chancellor wrote to me on the 28th May 1863: "I gave Richard yesterday a cheque for 1,500 *l.*, "on the terms that he is to repay you the money you so kindly advanced. Let "me take this opportunity of rendering you my most affectionate and "grateful thanks for all the affectionate interest and anxiety you have for so "many years shown for me and mine. Your care of Richard is a source of the "greatest consolation to me." Mr. Richard Bethell, the day he received the cheque, paid me the 300 *l.*, but the 600 *l.* it was not convenient for him to pay; but I consider, in honour, the Chancellor has paid it, and that Mr. Bethell remains my debtor for 600 *l.* The Chancellor did not know this until May 1864, and referred to it in one of those letters, I think in the month of May last, in which he says, "Let me know what Richard owes you, and I will repay you." Those are the circumstances connected with my loan to Mr. Richard Bethell.

2763. The *Lord Advocate.*] When was Mr. Richard Bethell appointed to the place in the Bankruptcy Court?—In March 1862.

2764. Do you know that previously to that time he had been living quietly?—He had been living in a most quiet manner; he took a house in Belgrave-road, it was furnished by the Chancellor. The Chancellor paid off all his debts in 1861, on the occasion of the Chancellor being made Chancellor in June, and he had established himself there, and was living perfectly respectably.

2765. From 1861 down to 1864 the Chancellor had no reason to complain of him?—From 1861 to 1862 the Lord Chancellor had no reason to complain of him, and from 1862 to 1863 the Chancellor had no reason to complain of him, and until May 1864 he knew nothing about it.

2766. Colonel *Pennant.*] Was there not some expression about it being the fourth time?—The Chancellor says "the fourth time," but I think the Chancellor is wrong; I think it is the fifth time.

2767. *Chairman.*] You state that on Sunday the 26th, when the Chancellor sent for you, he stated that he deeply repented having seen you on Wednesday, and that you had misrepresented to Mr. Richard Bethell what had taken place?—I should like to correct that. The Chancellor was angry when I entered; I said that somebody must have told him something; I think Mrs. Bethell must have written him some letter to thank him for his kindness, and then the Chancellor immediately thought that I had enlarged on what he had said. Most likely Mrs. Bethell wrote and thanked him most kindly for his goodness, and he was taken aback by this.

2768. Mr. *Edward Egerton.*] You stated that he said that he repented having seen you on the Wednesday, and that you had misrepresented him?—Yes; and I rather gathered that there was some letter from Mrs. Bethell thanking him.

2769. *Chairman.*] You do not know that?—I do not know it at all.

2770. You had seen Mrs. Bethell in the interval?—Yes; I think so.

2771. The *Lord Advocate.*] Do you know whether the Lord Chancellor was aware that Mr. Miller had prepared these appointments?—I never saw the Chancellor on the Monday.

2772. After that do you know whether they were ever laid before him in any shape or way?—I am not certain whether Mr. Miller ventured to go into the room after I told him at a quarter past four what had taken place on the Sunday.

2773. I suppose you do know that from that time the Chancellor has never entertained any proposal to appoint Mr. Richard Bethell?—None at all.

2774. Mr. *Edward Egerton.*] When you saw Mr. Miller on the 22d, and you said that you were very much surprised to see the appointments, did he say that you were the cause of the appointments?—He never said a word about it.

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My expression was, "Good God, Miller, who told you to prepare those docu- "ments?"

2775. Did not he answer, "Why you yourself were the person who com- "municated the fact of the appointment"?—That would have been the natural course to take. He said nothing at all.

2776. Colonel *Pennant.*] I think in the letter of the Lord Chancellor of the 16th May 1864, there is some expression that the appointment, whatever it may be, must be made this week?—Yes.

2777. Does that bear the interpretation that the selection of the individual was left to any other person than the Lord Chancellor?—No. The fact was this: Mr. Bethell had left the resignation with Mr. Miller; but Mr. Miller did not send the resignation in to the Chancellor, and Mr. Bethell had several interviews with me in the hope, I presume, of being able to retain the office, because I observe this passage in one of the Chancellor's letters, "It is useless;" there must have been some conversation of that kind. He says, "After a sleepless "night I can think of nothing better than the conclusion I mentioned yesterday;" that was that Richard should go abroad.

2778. The *Lord Advocate.*] The question was, whether these expressions implied that the Chancellor left the selection of the successor to Mr. Richard Bethell to any one else?—No; and it is right that I should say that I have never interfered with the Chancellor's patronage, except with regard to Mr. Richard Bethell.

2779. Colonel *Pennant.*] And you are not aware of his having left any appointment to be decided upon by any other person?—No, he is most particular about it.

2780. Mr. *Edward Egerton.*] In Question 486, Mr. Miller is asked, "Will "you be good enough to give me the date when it was that you received a com- "munication from Mr. Skirrow as to Mr. Welch being transferred to London "and Mr. Bethell being appointed to Leeds?" And the answer is this, "That "must have been about the 25th of February. I cannot fix the day, but I "should say about that day"?—That is within the time that I declare I never saw Mr. Miller.

2781. He states as a positive fact that he received a communication?—Mr. Miller is entirely wrong.

2782. Then the next question is, "You have stated, have you not, that on "the 20th, or from that to the 25th of February, you applied to the Lord "Chancellor to reinstate Mr. Bethell, and that a week after Mr. Skirrow had "that communication with you"?—The appointment, as I understand, to London, which I know nothing about, was made out on the 22d. I knew nothing about that. I did not know that Mr. Miller was pressing it.

2783. He implies that there was some communication from between the 22d and 25th?—I am positive in stating that he had no communication with me at all between the 22d and that Monday when I saw him. I saw him in the lobby just outside the Chancellor's door, where I put to him that question.

2784. Have you seen Mr. Miller on this subject since?—Yes. The Chancellor wrote to know on whose authority they were prepared, and Mr. Miller wrote an answer to the Chancellor saying they certainly were not prepared with any sanction of the Chancellor's; but that he thought he had received suggestions from Mr. Charles Skirrow. The Chancellor sent me the letter, and I told the Chancellor that it was perfectly inaccurate, and I told Mr. Miller the same.

2785. Mr. *Bovill.*] Was that before or since this inquiry commenced?—About ten days ago, and I can bring you the letter of Mr. Miller.

2786. The *Lord Advocate.*] How came the Chancellor to know that the appointments had been made out?—I cannot tell you how he found it out; I did not see the Chancellor on Monday the 27th. I do not know whether Mr. Miller saw him after I left.

2787. Colonel *Pennant.*] Was Mr. Welch any length of time in your room on the 24th?—As I said before, I did not even sit down with Mr. Richard Bethell. I was talking to him, and Mr. Welch was in my room perhaps three minutes, and I was standing with the door in my hand all the time. It was on the 22d.

2788. Mr. *Edward Egerton.*] That was the first time you had seen Mr. Welch?—Yes; and Mr. Bethell when he came in, said, "Allow me to intro- "duce you to Mr. Welch."

2789. Colonel

2789. Colonel *Pennant.*] Did you ever meet him again?—I never met him again until I saw him here on Saturday.

2790. Mr. *Vivian.*] Did Mr. Richard Bethell say why he introduced Mr. Welch on that occasion?—No; I think the way it was done was this: Mr. Richard Bethell came in and saw me; he left his friend outside, and brought him in and introduced him, and said he was going to Leeds on a visit.

2791. Nothing passed with Mr. Welch as to his removal to London?—Nothing at all; I said, in answer to him, "Well, I hope we shall get something for "Richard from the Chancellor, and he had better make inquiries." I have no doubt it was in Mr. Bethell's mind what he wanted to propose, as he said he was going to Leeds on business of importance to see some creditors, and also to stay with Mr. Welch, and that he would come and see me when he returned to London.

2792. Mr. *Edward Egerton.*] He said nothing about his hope of succeeding Mr. Welch at Leeds?—That he should hope to succeed to a country place.

2793. Did he specify Leeds?—He seemed rather to incline to Leeds, not Bristol.

2794. Was anything said whilst you were there as to the one coming to London, and the other going to Leeds?—No, I do not think there was anything.

2795. Just think about it?—I proposed to the Chancellor that Bristol would be a good place, and Exeter was also proposed, and I discussed that with Mr. Bethell when he came into the room, but he said, "No; I would rather have a "place where there are two registrars." I said, "You had better make inquiries. "The first thing is, that you must let me have a list of your debts, and secondly, "make inquiries of the different places. You are going on a visit to Leeds, and "you can look about there."

2796. Can you recollect whether there was any conversation of that sort while Mr. Welch was standing in the passage?—I think not.

2797. Can you charge your memory?—I do not recollect any conversation of that kind. I have no doubt Mr. Bethell had made up his mind to Leeds.

2798. The *Lord Advocate.*] When you saw the Chancellor on the 26th, and found him in a state of irritation, what did he say as to his intention of transferring Mr. Welch to London, or appointing his son to Leeds?—He would not listen to anything.

2799. Did he say that he would not do it?—He would listen to nothing about Richard, or do anything of the kind.

2800. He would do nothing at all?—Nothing at all.

2801. *Chairman.*] He did not refer to any proposed arrangement of that kind?—Mr. Welch was never on his mind at all, I think. He certainly had, I hoped, in his mind the appointment of Richard to some country place, but that he put an entire stop to on the Sunday.

2802. Mr. *Edward Egerton.*] Did he say that it had been proposed that Mr. Richard Bethell should go to Leeds?—No, nothing was settled between us. The first thing I was endeavouring to do was to get the Chancellor's mind round to entertain the matter for a settlement of debts, and, if possible, give Richard some country place.

2803. Mr. Welch has told us that from information he received, he cannot say from whom, but he suggests from you, he knew as a fact that he was appointed to London, and that Mr. Richard Bethell was to go to Leeds?—That is quite inaccurate. It all turned on the appointment of Mr. Bethell to a country place. Mr. Montague Wilde might be transferred to London if I could succeed in getting Mr. Bethell to Bristol. The Chancellor never fixed on anything. All that the Lord Chancellor did was to give me leave to go and see him again on the subject.

2804. The *Lord Advocate.*] That was an improvement, as you thought, upon his manner on the previous occasion, when he stated that he would never speak to you again if you mentioned the subject?—Yes.

2805. And beyond that the Chancellor never undertook to do anything?—He never undertook to do anything, and I do not think he would have sent for me on the Wednesday if it had not been for a letter from Mrs. Bethell.

2806. Mr. *Edward Egerton.*] Is the Chancellor in the habit of consulting Mr. Miller on bankruptcy appointments?—Very little indeed; I should think not at all.

2807. Colonel *Pennant.*] You are not in a position to know whether there were a great number of candidates?—I have never paid the least attention to the

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patronage, but the Chancellor I have often heard say that these appointments in the country, as country registrars, are not sought after by men of any position at the bar.

2808. The *Lord Advocate.*] You have given me two documents, which I shall hand in; one is an application by Mr. Welch, dated the 21st November 1863, to the Lord Chancellor, for an appointment as registrar; and the other is a letter from Mr. Edward James, in favour of Mr. Welch, dated the 23rd of November 1863?—Yes; the principal secretary gave them to me.

[*The following documents were delivered in.*]

"Goldsmith's Buildings, Temple,
"21 November 1863.

"My Lord,

"I beg again to bring before your Lordship my letter of May last, soliciting from your Lordship a county court judgeship, or a similar legal appointment.

"May I take the liberty of repeating my application, or for an appointment as registrar.

"I have been over 20 years a practising barrister, and in attendance on the Northern Circuit, where I was for many years with Sir William Atherton, who, together with several legal gentlemen of eminence, have allowed me to refer to them.

"I have the honour to be known to the Earl of Carlisle and Mr. Cardwell, whom I merely mention because they happen to be members of the Government.

"Trusting my application may be successful, and apologising for trespassing upon your Lordship,

"I have, &c.
"*P. R. Welch.*"

"To the Right Honourable
"The Lord Chancellor"

"3, Paper Buildings, Temple,
"23 November 1863.

"My Lord,

"I have been requested by Mr. P. R. Welch to state to you Lordship my opinion as to his qualifications to discharge the duties of the office of registrar in the Court of Bankruptcy. I have known Mr. Welch many years as a member of the Northern Circuit, and I believe him to be, from his position as a gentleman of high character, and by his high attainments as a lawyer, eminently qualified to discharge the duties of such an office.

"I have, &c.
"*Edward James.*"

2809. I wanted to ask you whether you can say from your own knowledge, that the gentlemen who recommended Mr. Welch, and have been already mentioned to the Committee, were the Leaders of the Northern Circuit?—They are the Leaders of the Northern Circuit; Sir William Atherton, Mr. Stephen Temple, Mr. Manisty, and Mr. Edward James.

2810. Mr. *Bovill.*] Did you at any time press the Lord Chancellor to transfer Mr. Welch to London, and to appoint Mr. Bethell to Leeds?—Never; I was only desirous of getting a country appointment for Mr. Richard Bethell, and I did not care where it came from.

2811. The *Lord Advocate.*] You never came to the point of discussing how that was to be done, because the first preliminary was to make out a list of debts?—A list of debts was the first step to be attended to.

2812. Mr. *Edward Egerton.*] What made you think of Bristol?—In the first place there was only one registrar at Bristol, and I thought it much better for Mr. Bethell only to have one registrar, so that he would be obliged to attend to the duties, and that it was near his wife's family.

2813. Was there a vacancy at Bristol?—No, but Mr. Montague Wilde would be very glad to come up.

2814. The *Lord Advocate.*] There was a vacancy in London?—Yes; and I believe

believe Mr. Montague Wilde said that he was promised it. The country registrars are in the habit of coming to London on a vacancy, as that is the principle the Chancellor goes upon.

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John Fisher Miller, Esq., called in; and further Examined.

J. F. Miller, Esq.

2815. The *Lord Advocate.*] YOU had these appointments engrossed, one appointing Mr. Richard Bethell to the London vacancy, and two others appointing Mr. Welch to the London vacancy, and Mr. Richard Bethell to the Leeds vacancy?—I had.

2816. Did you ever show them to the Lord Chancellor?—Never.

2817. Was he aware that you had had them engrossed?—No.

2818. You never told him so?—I never told him so; I merely had them engrossed, thinking it very possible they might be wanted.

2819. In point of fact, you never told him?—No.

2820. I think you stated that you had never, on any other occasion, taken that step of having an appointment engrossed before the Lord Chancellor had given you authority?—Never.

2821. Mr. *Edward Egerton.*] When did the Lord Chancellor know of your having prepared those two appointments?—I do not know.

2822. The *Lord Advocate.*] You received a letter from the Lord Chancellor asking you by what authority you had done it?—I did get such a letter, and I answered it.

2823. Mr. *Edward Egerton.*] Have you got that letter?—No.

2824. The *Lord Advocate.*] What day did you receive it?—Within the last ten days.

2825. Do you know how it came to the Chancellor's knowledge, that these appointments had been engrossed?—No.

2826. Colonel *Pennant.*] You never showed them to the Lord Chancellor?—No.

2827. Mr. *Edward Egerton.*] Let me call your attention to Question 491 in your own evidence; you are asked, "How long after you had made the draft appointments, and sent it to be copied, was it that you had any communication with the Lord Chancellor on the subject of the transfer of Mr. Welch to London, and the appointment of Mr. Bethell to Leeds." Your answer is, "It could only have been a day or two."

2828. How do you reconcile that with what you stated just now?—I never received any instructions from the Chancellor to prepare those orders.

2829. When did you tell the Chancellor that you had prepared them?—Only within the last ten days, in answer to a note from the Chancellor. I dare say I could produce the Chancellor's note, and the Chancellor can produce my note in answer.

2830. Mr. *Bovill.*] Have you got them here?—I have not.

2831. Mr. *Edward Egerton.*] Will you produce the letter you received from the Chancellor?—I have not got it here.

2832. Perhaps you can find it?—I can find it.

2833. You had never mentioned to the Chancellor that you had prepared these orders?—I did not.

2834. *Chairman.*] Look at Question 491 again; what communication does the Lord Chancellor refer to?—When I first made my application to the Chancellor to re-appoint Mr. Richard Bethell, his Lordship promised me that he would consider it, and on that promise I prepared the order re-appointing Mr. Richard Bethell to London.

2835. That was the first order?—Yes; when I pressed the Chancellor on the subject, he told me that he really could not appoint; that he felt that he really ought not to appoint, and the order was destroyed; and then, as I stated, some days afterwards, Mr. Skirrow told me that he had suggested to the Chancellor the transfer of Mr. Welch to London, and the appointment of Mr. Richard Bethell to Leeds. That was Mr. Skirrow's suggestion, and not mine at all. I never knew anything about it till Mr. Skirrow told me.

2836. It is fair to tell you that you have been directly contradicted by Mr. Skirrow upon that point; but before we proceed to that, I wish again to ask you what communication with the Lord Chancellor on the subject of the transfer of

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Mr. Welch to London and the appointment of Mr. Bethell to Leeds, do you refer to in answer to Question 491?—When Mr. Charles Skirrow told me of his application, and the Lord Chancellor acceding to it, I prepared that order, and I asked the Chancellor whether it was true that he had made up his mind to transfer Mr. Welch to London, and appoint Mr. Richard Bethell to Leeds.

2837. When did you make this application?—Within a day or two after Mr. Skirrow told me of his application.

2838. What was the date of Mr. Skirrow's conversation with you?—I think it must have been about the 25th of February.

2839. The *Lord Advocate.*] You must recollect a little more; do you remember Mr. Skirrow coming down to the House of Lords on Monday the 27th, and finding you with these two deeds engrossed in your hand?—I do.

2840. What took place on that occasion?—That was the occasion on which I made this communication to the Chancellor.

2841. Between you and Mr. Skirrow, what took place?—I told Mr. Skirrow that in consequence of what he said to me about the transfer of Mr. Welch to London and the probability of its coming off, I had prepared those orders.

2842. What did Mr. Skirrow say?—He told me he was afraid the Chancellor would not do it. I felt that it would be quite proper that the thing should be settled one way or the other, and I immediately asked the Chancellor whether he had made up his mind to do it.

2843. What did Mr. Skirrow say?—Mr. Skirrow told me he was afraid it would not come off.

2844. Did he say that you had better not go into the room, and show those deeds to the Chancellor?—I think it is possible he did.

2845. Have you any doubt that he did?—He did; but notwithstanding that, I went into the room.

2846. What did the Chancellor say?—The Chancellor told me that he would make no appointment; that he would neither transfer Mr. Welch to London nor appoint Mr. Bethell to Leeds.

2847. You say that it must have been about the 25th?—You correct me; you bring it to a date; I could not otherwise fix the precise date.

2848. It is absolutely necessary that you should fix the day, for Mr. Skirrow has told us distinctly that between the 22d and 27th, he never saw you, and therefore we must ask you to recollect when it was that you say you did see him?—I must have seen Mr. Skirrow between the 22d and 27th, because it was from Mr. Skirrow alone that I learnt this affair that was going on about Leeds.

2849. Mr. *Edward Egerton.*] He has positively contradicted you. He has accounted for every day between the 22d and 27th, and he says that he never saw you during that time, until he saw you at the House of Lords in the afternoon of the 27th, with those appointments in your hand?—I can only say that my memory is not so good as Mr. Skirrow's; but I know it was from Mr. Skirrow, and Mr. Skirrow alone, that I obtained the information about the application to the Chancellor, in respect of the transfer of Mr. Welch from Leeds to London; and that it was in consequence of that information, and the probability, as he represented to me, of his being able to induce the Chancellor to make it, that I prepared those two orders.

2850. Mr. *Vivian.*] Did you ever see Mrs. Richard Bethell?—Never in my life.

2851. *Chairman.*] Are you sure you had not this from Mr. Richard Bethell?—I am certain.

2852. Mr. *E. Egerton.*] Where was it you saw Mr. Skirrow between the 22d and 27th?—I think at the House of Lords. I am pretty certain it was in the House of Lords, and I have a distinct recollection of what my Lord Advocate says—of his subsequently telling me that he was afraid that after all the Chancellor would not do it; but notwithstanding that, I felt that it was quite right the thing should be brought to an end in some way.

2853. I want to know whether you maintain what you said the other day, that you got that information from Mr. Skirrow?—Certainly.

2854. Colonel *Pennant.*] Had there been any arrangement with anybody, or any suggestion from anybody, that it would be as well to have the papers ready prepared for the Lord Chancellor's signature?—None whatever. Nobody made any such suggestion to me.

2855. The *Lord Advocate.*] You had a letter from Mr. Richard Bethell, dated, "Court of Bankruptcy, Leeds District," in which he says, "I suppose "you have heard that the Chancellor intends to transfer Mr. Welch from Leeds "district to London, and to appoint me to the Leeds district." Had you heard from Mr. Skirrow before the date of that letter?—Certainly. I heard from Mr. Skirrow that he had applied to the Chancellor; not that the Chancellor was likely to appoint him.

2856. Had you got that information on which you acted before you got that letter from Mr. Bethell?—Certainly.

2857. You are quite sure of that?—Quite sure.

2858. When did you receive that letter dated "Friday," and Friday was the 24th?—Notwithstanding what took place in the room the other day, I continue to think that I received Mr. Welch's letters of the 28th February and 1st March, and Mr. Bethell's letter dated "Friday," all together. Being unwell, I had been absent from the office some days.

2859. Have you got that letter dated "Friday"?—I think I have got it. I produced the original; I have got it (*producing the same*).

2860. Have you the envelope?—No, I have not.

2861. Do you mean to say this letter did not come in due course of post?—I do not mean to say so. I only state my impression, that I received those letters together.

2862. This letter was dated the 24th, because "Friday" was the 24th, and that was the only Friday Mr. Bethell was at Leeds. Do you mean to say you did not get this letter on Saturday?—I am only giving the Committee my recollection.

2863. This letter would reach you on the Saturday, which tells you that the Chancellor had agreed to transfer Mr. Welch from Leeds to London. You would have had the document prepared on Monday the 27th. That is the date of the law stationer's bill?—I think we made out, the other day, that that letter was Friday the 24th of March.

2864. On Monday the 27th you had these deeds engrossed?—Yes.

2865. But on Sunday the 26th, Mr. Skirrow saw the Lord Chancellor, and told you that no such appointment was to be made. I ask you, with those facts, did you not have that appointment engrossed in consequence of receiving this letter from Mr. Richard Bethell?—No; I had the appointment engrossed in consequence of what Mr. Skirrow told me, and not in consequence of that letter at all.

2866. You say that was before Saturday the 26th?—Yes.

2867. Was it on the 25th, or on the 24th, or on the 23rd?—I cannot say on what day it was.

2868. Where was it you saw Mr. Skirrow?—At the House of Lords.

2869. What was he doing there?—I cannot say.

2870. In what part of the House of Lords?—In the room of the Lord Chancellor's secretary.

2871. Had he been in the Lord Chancellor's secretary's room?—Yes; I was there, and we went out into the passage.

2872. You cannot tell me whether that was on the 23d, on the 24th, or on the 25th?—I cannot.

2873. But it was one of those days?—It was one of those days.

2874. Mr. *Vivian.*] You are not alluding to the occasion on which you saw Mr. Skirrow in the House of Lords, when you had the orders engrossed in your hand?—No.

2875. You are now alluding to a previous occasion?—Yes. I understand that it is to a previous occasion the Lord Advocate's question is directed.

2876. The *Lord Advocate.*] Had he come to look for you, or was this an accidental meeting?—An accidental meeting at the House of Lords.

2877. Who was present; which secretary?—I cannot remember who was in the room. Mr. Abraham, and Mr. Stewart, and Mr. Campbell may have been there, but I cannot remember.

2878. One of them must have been there?—Mr. Abraham, no doubt. Mr. Abraham is constantly there.

2879. With regard to another matter; Mr. Wilde has given evidence which we wish to have cleared up. He says that he never received a copy of Mr.

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Ayrton's second Report, and that Mr. Paine did not receive a copy of that report, but that both he and Mr. Paine received a blank envelope which came from the Court of Bankruptcy. That Mr. Paine returned his; that he, Mr. Wilde, did not return his; and that Mr. Paine afterwards wrote letters to you, complaining that he had never got that report of Mr. Ayrton?—I never heard anything of any blank envelope, but if those gentlemen received blank envelopes, I should have thought it would have been their duty immediately to have communicated with me to know the meaning of it. But I think that I can clear this matter up; for I have here got the ledger of the law stationer. The report of Mr. Ayrton on taxation is dated the 3d of June, and I received it on the 4th. I find from the ledger of the law stationer, that on the 4th of June he makes a copy. On the 4th of June there is this entry in the law stationer's ledger:—"Ayrton, fair copy report on taxation of costs. Folio 14, on paper, 2 *s.*" My letter to Mr. Wilde, transmitting a copy, is dated the 9th of June, and on the 9th of June I find in this ledger, "Fair copy Mr. Commissioner "Ayrton's report on taxation of costs, 8 *s.* 3 *d.*," which the law stationer tells me means four copies of that same document which is charged before. This first copy on the 4th of June was, no doubt, for the Select Committee of the House of Commons, for immediately I got it, I had a copy made for the House of Commons. Then, on the 9th, the day on which my letter to Mr. Wilde is dated, I find an entry charging me with four copies. I do not mean to say that Mr. Wilde asserts that which is untrue in saying that he never received it.

2880. You had the copies made?—Yes; and this is my letter transmitting them. I never heard from either of those gentlemen about any blank envelopes.

2881. Was any blank envelope returned to you?—None; I never heard of anything of the kind. I do not mean to assert that Mr. Wilde is stating that which is untrue, but I think that if he received a blank envelope, he ought to have communicated with me.

2882. Then Mr. Payne wrote no letter to you, complaining that he had not seen the report?—I have not been able to find one. I think in August both Mr. Payne and Mr. Wilde applied to me for copies, and a second copy was sent to each.

2883. Mr. *Bovill.*] They applied to you for copies?—Yes.

2884. The *Lord Advocate.*] By that time Mr. Wilde had resigned, and Mr. Payne was still in office?—Yes.

2885. Mr. *Bovill.*] Have you got those letters from Mr. Payne and Mr. Wilde, applying to you for copies?—I have had a copy of the entire correspondence with Mr. Payne made in case the Committee should require it.

2886. That will enable you more easily to give us this copy that we want?—Yes; but I do not find any note from Mr. Payne asking for a copy, but I remember that I was asked for another copy.

2887. Was it not on the ground that they had not a copy?—No.

2888. Where is the letter from Mr. Payne?—That I have not been able to find.

2889. Or the letter from Mr. Wilde?—I have not been able to find that. I was out of town at the time. I find from the law stationer's book that copies were made in August.

2890. Have you got a copy of your letter to Mr. Payne, and a copy of your letter to Mr. Wilde, which sent down what you call the second copy?—That does not appear to be entered. I have kept no copy of any letter transmitting that second copy.

2891. Was the second copy, as you call it, transmitted?—Yes on the 24th of August.

2892. Colonel *Pennant.*] Is that a note of it?—This is merely the charge against me. There may have been more than two copies made.

2893. The *Lord Advocate.*] What is the entry?—"24th August 1864, fair "copy, Mr. Commissioner Ayrton's Report as to taxation of costs, 8 *s.* 3 *d.*"

2894. Mr. *Bovill.*] That would be four copies?—Yes.

2895. What were the four copies made in August for?—I cannot remember.

2896. If the other copies had been lost or mislaid, or anything of that sort, you would want four more copies, I suppose?—I have no doubt the other four copies were disposed of before. The first copy on the 4th June was for the Select Committee of the House of Commons; then on the 9th of June, of the four

four copies one would be for Mr. Wilde, another for Mr. Payne, another in all probability for the Chancellor, and one to keep in the office.

2897. The *Lord Advocate.*] I think by that time the Report itself had been printed in the Appendix to the Report of the Committee?—I believe so.

2898. The Committee reported in July 1864?—Yes; I will not be sure about that, for I think there was some delay in the printing of that report.

2899. Mr. *Bovill.*] It was only ordered to be printed on the 22d of July, and it is a large paper?—It strikes me there was some delay in the printing of it.

2900. Mr. *Vivian.*] Mr. Wilde states that he did not receive your letter on the 9th of June; will you show a copy of your letter of that date in your letter-book?—Yes (*producing letter-book*).

2901. *Chairman.*] When did you first hear that this letter of the 9th of June 1864, with the enclosure, had not been received by Mr. Wilde?—I did not quite understand that until the 15th of May last.

2902. From whom did you understand that?—From a letter I received from Mr. Payne on the 1st of May; on the 1st of May, Mr. Payne wrote to the Lord Chancellor that at the time of signing his petition to be allowed to retire, he was ignorant of the unjust stigma and charges contained in Mr. Commissioner Ayrton's and Mr. Harding's report, or I should have preferred appearing and undergoing examination before your Lordship in reference to my conduct. I undoubtedly have Mr. Payne's letter acknowledging the receipt of those documents; they were sent to him by me on the 16th of May. He speaks of the joint report, and consequently I wrote him by the Lord Chancellor's direction, and I said, "Sir, I am directed by the Lord Chancellor to acknowledge the re-"ceipt of your letter of the 1st instant, and to inform you that it is altogether "impossible for his Lordship to interfere. You state that at the time of signing "the petition to be allowed to retire, you were ignorant of the charges contained "in Mr. Commissioner Ayrton's and Mr. Harding's report; but this is most in-"correct, for so long ago as the 16th of May last, I not only transmitted to you "copies of the examinations and reports, and drew your attention specifically to "the charges made against you, but in a letter dated the 18th of that month, "which is at this moment before me, you acknowledged the receipt of these "documents; you unquestionably had the fullest information as to what the "charges were; you had the option given to you of appearing before the Lord "Chancellor to show cause; but you preferred, and I think wisely, to send in "your petition, praying to be allowed to retire, and, under these circumstances, "you must see that the case cannot now be gone into."

2903. *Chairman.*] The question now is about the earlier reports, and not about the report of the 3d of June; Mr. Wilde says that he never received your letter of the 9th of June, enclosing the report of the 3d of June?—If Mr. Wilde had received a blank envelope and had written to me to say so, another copy would have been sent.

2904. When did you first hear that Mr. Wilde had not received those reports which are supposed to be enclosed in your letter of the 9th of June?—I did not quite understand that until the 15th of May.

2905. What you are reading refers to an earlier report?—Yes, but I am now going to read something which refers to that particular report, a letter from Mr. Payne to me, dated the 15th of May, in which he says, "At the time of signing "that petition I was ignorant of Mr. Commissioner Ayrton's report."

2906. Have you any similar letter from Mr. Wilde?—No, I never had any communication from Mr. Wilde except asking for another copy of the report.

2907. Colonel *Pennant.*] That you have lost?—That I have not been able to find, but I think I requested him to return the second copy, I having sent him a previous one; but I heard nothing from Mr. Wilde of his not having received my letter of the 9th of June.

2908. Do you recollect the wording of the letter?—No, I do not.

2909. Mr. *Edward Egerton.*] Do not you keep those letters generally?—Yes, but I was out of town at the time.

2910. Colonel *Pennant.*] Have you no note of it in any memorandum book?—No.

2911. Or of the letter that you sent?—No.

2912. Has Mr. Payne complained?—Mr. Payne complained in May last.

2913. Mr. Payne complained of not having seen that report Mr. Commissioner Ayrton?—Yes.

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2914. Did Mr. Wilde make the same complaint?—No.

2915. The *Lord Advocate.*] Surely Mr. Payne got the second copy you sent to him?—I have no doubt that he did; I never heard to the contrary.

2916. Mr. *Bovill.*] I must call your very particular attention to this matter; is this the ordinary letter book kept in the office?—Yes.

2917. Whose duty is it to copy letters into this book?—My secretary does so.

2918. His name?—Mr. Duncan Stewart; but you will find a great many handwritings; you will find that when Mr. Stewart was absent any of the other clerks wrote in it.

2919. Look at the dates of the 9th and 10th of June, and tell me whether in the letter book, in their ordinary course, you find several letters on those days in the handwriting of Mr. Stewart?—On the 9th of June there is Mr. Stewart's handwriting.

2920. And the 10th of June, Mr. Stewart's handwriting?—On the 10th of June, Mr. Stewart's handwriting.

2921. Is the copy of this letter that professes to have been sent to Mr. Wilde, and a similar copy to Mr. Bethell, entered in your handwriting?—That is in my handwriting.

2922. Is it entered at the bottom of the page where there was a blank?—It is entered at the bottom of the page.

2923. Is it entered at the bottom of another letter when there was a blank?—It is entered at the bottom of the page. It is entered in the usual course of things.

2924. Be careful how you answer, because this is a very serious matter; will you venture to state, Sir, that there was not a blank left at that page where you write what purports to be a copy?—Certainly there was not; if you mean by a blank, that there had been any subsequent entry in the books.

2925. I do mean that?—Then there had been no subsequent entry.

2926. Turn to the index, if you please, referring to that letter to Mr. Payne; does the letter in your handwriting, to which I have referred, appear at page 310 of the book?—It does.

2927. Now refer in the index to letters to Mr. Payne, and tell me whether you find then at page 310, a letter to Mr. Payne?—Yes.

2928. Is that written on an erasure?—Clearly it is a correction by some one; I am sorry to say that I frequently find blunders made in the index of this book.

2929. Now tell me what is the next number after 310 in the index under the head of "Payne"?—Three hundred and seventy-six.

2930. What does "399" mean there; is it not "399"?—Yes, that certainly seems to be so; that circumflex would lead you to infer that the letter on page 399 of the book was the next letter addressed to Mr. Payne.

2931. In the same line of the index of letters to Mr. Payne, the next letter after page 310, which refers to the page in question, and which is written on an erasure, is 399?—Yes.

2932. Now turn to page 376, and see whether there is not a letter there to Mr. Payne, which is prior to 399?—No doubt.

2933. Will you venture to state that that which now appears on erasure as 310, was not 376?—I cannot tell you what it may have been; the erasure is not mine.

2934. Do you find on the same page of the index a fresh index of the name of Payne, which is at the bottom, and is the very last entry on the index of that page?—Yes, and strangely enough, I find also "399" is altogether omitted there; you have "376," "392," "396," and then "399" is omitted; there is another blunder.

2935. Is the letter to Mr. Payne at page 310 also in your handwriting?—Yes; it is the last transaction of the day, and in all probability Mr. Stewart had gone, and the clerks had gone, and I entered this myself, a very unusual thing.

2936. Now turn to the index of the letters of Mr. Wilde, is the "310" also written on an erasure?—That I am not so clear about.

2937. Are you not; try it again?—I think it is. On the same page I find two other numbers written on erasures.

2938. I am on the one fact?—I see the drift of it.

2939. Everybody sees the drift of it, but I must have an answer?—Certainly.

2940. Is or not that "310" also written on an erasure?—I think it is.

2941. Have you any doubt about it?—None whatever; no more than I have any doubt of that 375 and 443.

2942. Are those two last to which you have called attention, which are written on erasures, the two last entries under the head of Mr. Whitmore?—Yes.

2943. Now, to go back to what I was upon; and looking to the entry of Mr. Wilde then being "310" written on an erasure, is the next entry in the index "317"?—Yes.

2944. Not written on an erasure?—No.

2945. On looking at the book itself, do you find that at page 312 there was a letter to Mr. Wilde?—There is, and that does not appear to have been entered in the index.

2946. Will you venture to say that what is now "310" was not "312"?—I cannot venture to say anything about it, because I do not keep that index; I have nothing to do with that index. I have no doubt whatever that Mr. Stewart and the other clerks were gone. This letter of mine, on the 9th June, is the last letter of the day, and I entered it myself, and no doubt addressed the letters to Mr. Payne and Mr. Wilde, and gave them to the porter to put into the post.

2947. Who altered the erasures to which I have called your attention?—I was not aware until you pointed them out to me that they had been altered.

2498. The *Lord Advocate.*] Whose business is it to keep index; does your hand ever go into the index?—My hand never appears in the index.

2949. Mr. *Edward Egerton.*] How many letters are there in the book in your handwriting?—I doubt very much if you will find another.

2950. Mr. *Bovill.*] Can you find another letter from the beginning to the end of the book copied by yourself or in your handwriting?—I have not searched; I do not suppose you will. I find several corrected by me.

2951. Do you find another letter purporting to be in your handwriting?—I will not undertake to say. If the Committee wish, I will go through the book from the beginning to the end.

2952. You had better leave the book here, and we will examine it ourselves. Look at the figures "310" in the index to Mr. Payne's name written on an erasure, and tell me in whose handwriting they are?—I should say in Mr. Stewart's handwriting.

2953. Should you?—Yes.

2954. Will you undertake to say that you did not do it?—Most certainly I did not.

2955. Will you undertake to say they are Mr. Stewart's?—I think they are Mr. Stewart's.

2956. Will you venture to say that you believe they are Mr. Stewart's?—I believe they are Mr. Stewart's. I see that even the "3" has been altered in some way.

2957. Will you undertake to say that the three figures, "310," are in the same character of handwriting as the other?—I believe them to be Mr. Stewart's.

2958. Are they the same character of handwriting?—They seem to be somewhat different.

2959. Are they not different in the character of handwriting?—I must leave the Committee to judge.

2960. I wish to hear your evidence and to have it taken down. What do you say?—Evidently it is written on an erasure.

2961. Is it evidently written in a different character of handwriting?—Mere writing on an erasure would produce considerable difference.

2962. Is it in a different character of handwriting?—It seems to be somewhat different.

2963. Even the index to Mr. Wilde?—There again, where he writes manifestly on an erasure, the figures appear to me to be manifestly different.

2964. Look at the index to Mr. Wilde where the figures are written on an erasure; is that the same or a different character of handwriting?—They appear to me to be the same handwriting. It makes a correction in the previous one.

2965. And different from Mr. Stewart's?—As I say, writing on an erasure would give a totally different appearance.

2966. Then you would have less difficulty in answering the question?—It does appear different from the other, and would naturally do so, being written on an erasure.

2967. While we are on this matter, I should like to see the letters that were written

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written to the official assignees, and the messengers on the 26th of July or about that time?—We shall find them in that book.

2968. Do you know the dates at which they were written?—Not to the messengers.

2969. To the official assignees?—The law stationer occasionally enters letters in that book, and of course in the index to it.

2970. After the letter at page 312, which does not appear in the index at all, is the next in the index to Mr. Wilde, 317?—The next is 317.

2971. "317" does appear in the index, under the head of "Mr. Wilde," does it not?—317 does appear.

2972. It ought to appear as following 312?—312 is omitted.

2973. 312 is not there, and 310 is there partly on an erasure?—Partly on an erasure. I think it is all on an erasure.

2974. Is not the "3" evidently the original handwriting?—The "3" appears also to be on an erasure.

2975. Is there any part of it that appears to be the original handwriting?—A portion of it.

2976. Does not a portion of the "1" also appear to be in the original handwriting?—In the "1" it is darker than the other.

2977. Does not a portion of it appear to be the original handwriting?—I should think that the "1" was the original handwriting.

2978. Then something is erased, and the "0" has been inserted after the "3" and the "1"?—Yes, I think that is perfectly clear. Perhaps the Committee will allow me to say that in making out those returns for the House of Commons, I never looked at the index to this book; I knew that it was so imperfect and so inaccurate, that I never looked at the index. I took the book, and went carefully through it without looking at the index.

2979. The *Lord Advocate.*] Whose duty is it to keep the index?—It is the duty of the person who enters the letters.

2980. To make the index at the time a letter is written, is that so?—Yes.

2981. Did you make the entry at the time you entered that?—I did not at the time I entered that letter. I did not enter it in the index.

2982. Whose duty was it to do so?—It would have been Mr. Stewart's duty to see that it was properly entered.

2983. Is anybody else in the habit of writing in the index?—Yes; but I look to Mr. Stewart to keep the index correct.

2984. Then either it was Mr. Stewart or yourself, or you cannot tell who it was?—There are a dozen hands in this book.

2985. Do those dozen hands keep the index?—The person who enters a letter ought to enter it in the index.

2986. If you enter a letter, and do not enter it in the index, whose duty is it?—I should expect Mr. Stewart would look to it.

2987. It is his duty?—It is his duty; I look to him to keep this book correctly.

2988. *Chairman.*] Is the letter of the 9th of June, the letter which is copied at the bottom of the page?—It is copied at the bottom of the page.

2989. In your own handwriting?—Yes.

2990. You said that you copied that probably when all the clerks were gone?—That is the last transaction of the day, and I am frequently there until a late hour.

2991. Mr. *Vivian.*] Did you copy it on the 9th of June?—Most assuredly.

2992. *Chairman.*] The copy would be taken before the letter was sent off?—Certainly; after writing my letter I would enter it,

2993. Who made up the envelope and sent it?—Myself.

2994. Then I want to call it particularly to your attention, because it was a very important matter. If you did it by your own wish, after all the clerks were gone, cannot you remember a matter of that kind, which took place only a year ago?—It is impossible to remember every letter in this book.

2995. It is a matter of the greatest possible importance?—It is impossible for me to remember every letter that I write and send off.

2996. Then, as a matter of fact, you remember nothing about it?—I do not remember it. I see an entry in my handwriting here; it is the last transaction of the day, and I have no doubt that Mr. Stewart and all the clerks were gone, and I have no doubt that I entered the letter to Mr. Payne; and underneath I say,

I say, "Same as above to Mr. Wilde." I put them in envelopes, and sealed them, and gave them to the porter. *J. F. Miller*, Esq. 13 June 1865.

2997. And in fact, with the exception of the actual posting of the letters, you yourself performed the whole transaction with your own hand?—I did.

2998. The *Lord Advocate.*] Do you consider it right for your clerks to make an erasure in the index?—I think it is very improper, and I am frequently finding fault about the index to this book; and, as I have stated, in making out the returns to the House of Commons I put it aside altogether; I went on with the book, and never looked at the index, because I knew it to be so imperfect.

2999. You never had reason to suppose that Mr. Payne and Mr. Wilde had not received Mr. Ayrton's second report until May last?—No.

3000. Did you ever tell the Chancellor that they complained that they had not received it?—No, I did not. In this letter which I have just read, from Mr. Payne, dated the 1st of May, he denies that he ever received any.

3001. I want to know whether you ever informed the Lord Chancellor that you had received a letter asking for additional copies?—No, I did not

3002. Mr. *Bovill.*] Will you give me, first of all, the letter to the official assignees?—Before you go to that matter, allow me to refer to the index to that book for one moment. I have looked into the index and I find that in every letter of it there are errors in the index, there are erasures in every page. In letter A there is one erasure, in letter B I find eight erasures, in letter D I find three erasures.

3003. *Chairman.*] You find throughout the index a great many erasures?—Yes.

3004. Mr. *Bovill.*] Have you discovered a single instance where it is not only written on an erasure, but where that erasure stands for something that ought to be there, and is not there?—There are many omissions, I dare say.

3005. Have you met with one?—That would take me considerable time to do.

3006. Leave the book in the hands of the Committee Clerk, and we will take care it is examined carefully?—Yes; I find that I commenced the entry of a letter; but I cannot find any other letter entered, except that in my own handwriting, a letter to Mr. Whitmore, and I appear to have begun it.

3007. The only other part that you find you copied is putting the heading, "F. Whitmore, Esq., Birmingham"?—I commenced the letter, and the clerk has gone on with it.

3008. Mr. *Vivian.*] In that case, did you not find, on looking to the letter-book, that the letter had been copied without the name of the person to whom it was addressed, and did you not subsequently fill in the name of the person to whom it was addressed?—I only see what is in the book.

3009. Is it not probable that, instead of commencing the letter, on looking over your letter-book, you found that the letter which you had written had been copied therein without the address of the person to whom it was written?—It may have been either way; if I found a letter without any address, I should certainly make it my business to have the address put in, to see to whom the letter went.

3010. *Chairman.*] I collect from your evidence that it is the only case of a whole letter being entered by yourself in that book?—It is the only letter I find.

3011. That being a singular instance during the period those letters were written; try and recollect a little; it is the only instance, you say, which has occurred of your entering a whole letter in your own handwriting?—It appears to be at the end of the day. I have no doubt that all the clerks had gone, and that I entered the letter.

3012. You have no more accurate recollection of it than that which you have given us?—No.

3013. Endeavour to recollect the circumstances if you can?—I cannot.

3014. It is the only instance in which you entered a letter with your own hand?—I have no doubt that all the clerks had gone.

3015. The *Lord Advocate.*] When were those copies ordered which you sent with the letter of the 9th of June?—I do not know when they were ordered. The charge is on the 9th of June, 1864, the very day on which I wrote my letter.

3016. You did not get back any blank envelopes either from Mr. Payne or Mr. Wilde?—I certainly did not.

3017. Mr. *Bovill.*] Will you produce a letter corresponding with the letter of the 26th July, that was written to the Registrars. I want corresponding letters,

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written to the official assignees, whether on that day or any other day?—I do not think there were letters written to the official assignees.

3018. Were there any letters calling upon them to resign or to send in applications for pensions?—On the 14th of May, I wrote to Mr. George Young, one of the official assignees:—

"Dear Sir,

"The Lord Chancellor has directed that the proceedings against the official assignees and messengers of the Leeds Court shall be suspended, to allow of any representations that they may have to make to the Commissioners."

3019. The *Lord Advocate.*] That is not the first letter?—No; I do not know exactly what letter Mr. Bovill alluded to.

3020. Mr. *Bovill.*] I want the letter?—I will give you every letter which is here.

3021. What I want is the letter which, after the Report of Mr. Commissioner Ayrton had been sent to you, and, I suppose, submitted to the Lord Chancellor, was written to the official assignee?—If you could give me the date when Mr. Commissioner Ayrton made his report, it would assist me.

3022. It is quite clear that before the 14th May some communication was made to the official assignee; will you be kind enough to produce that?—I find on the 12th of May a letter from me to Messrs. Aldridge and Bromley, my solicitors.

3023. Will you produce a letter to the official assignees?—I misunderstood you. The communication appears to have been made through my solicitors, Messrs. Aldridge and Bromley, and I wrote to them on the 12th May. We will take the case of Mr. Carrick. On the 10th of May 1864, I wrote to Mr. Carrick thus:—

"Sir,

"Mr. Commissioner Ayrton, and Mr. Harding, having reported to the Lord Chancellor that, during the two years ending the 11th of October last, you have retained sums which you ought to have paid over to the Chief Registrar's fund, amounting in the whole to 1,315 *l.* 14 *s.* 2 *d.*, in addition to the surplus previously shown in your returns, I have to request that immediately on receipt of this letter, you pay over to the credit of the Chief Registrar's account the aforesaid sum, and that you transmit to me a certificate of your having done so. I must also beg of you to let me have your return for the half-year ending 11 October 1864 forthwith.

"I am, &c.

"*J. F. Miller.*"

Then a note at the foot of this letter, "A similar letter sent to Mr. Young" (that is, of course, the official assignee), "the amount in his case being 1,204 *l.* 1 *s.* 9 *d.*"

3024. Now about these appointments; a question or or two. Did I understand you correctly, that you received a letter from the Lord Chancellor asking about those appointments?—When?

3025. The appointment of Mr. Bethell and Mr. Welch; did I understand you to say, that you received a letter from the Lord Chancellor on that subject?—I received a note, within the last 10 days, from the Lord Chancellor, and I answered, and that note I hope to be able to find.

3026. And a copy of your answer, probably?—I did not keep any copy. The Lord Chancellor will produce my letter.

3027. Before you received the letter from the Lord Chancellor on the subject, did you ever communicate to the Lord Chancellor that you had made out the appointments?—Never.

3028. You are quite sure of that?—Quite sure. I am quite sure that I never made the communication myself. Whether he heard it from others I do not know.

3029. Is there any person from whom he could have heard it that you are aware of?—He might have heard it from Mr. Skirrow. Mr. Skirrow was aware that I had made out the appointments on that day to which the Lord Advocate alludes.

3030. Tell

3030. Tell me why you destroyed them?—I thought it quite proper to destroy them.

3031. When did you destroy them?—Immediately I found that the Lord Chancellor did not intend to make the appointments.

3032. Will you state what passed between you and the Lord Chancellor, after you had seen Mr. Skirrow?—I told the Lord Chancellor that I had been informed by Mr. Skirrow that his Lordship intended to transfer Mr. Welch from Leeds to London, and to place Mr. Richard Bethell at Leeds: and I asked him whether he had made up his mind to do this. He said, "Mr. Miller, I have "made up my mind to make no appointments at all; I will make no appoint-"ments." I asked his Lordship upon that occasion, "Will not your Lordship fill up "the London vacancy?" He said, "I will not fill up any vacancy at present." And the vacancy in London still remains.

3033. Mr. *Vivian.*] In Question 771, you will find that the two engrossments in question were made on the 27th of February?—Yes.

3034. Was it on the morning of that day you gave instructions to the law stationer to engross those orders?—Possibly on the previous day.

3035. The previous day was Sunday?—It may have been Saturday, or it may have been the morning of that day. I think we arrived at these dates from the law stationer's bill.

3036. Mr. *Bovill.*] You say you saw the Lord Chancellor on the 27th of February?—Yes.

3037. Did you press him at all to transfer Mr. Welch to London, and to appoint Mr. Bethell to Leeds?—No, I did not.

3038. In the earlier part of the examination you referred, and you are now referring, to a blue printed paper; what is that?—This is a copy of my examination which I received from the Clerk to the Committee.

3039. How long has it been in your possession?—Ever since I received it.

3040. How long ago is that?—I received the first part on Friday morning.

3041. It has been in your possession ever since?—Yes; no one has seen it. When the clerk gave it to me, he drew my attention that it was confidential, and asked me to show it to no one.

3042. Were there any pecuniary transactions between you and Mr. Richard Bethell?—None whatever.

3043 Mr. *Edward Egerton.*] Why did you not mention to the Lord Chancellor on the 27th that you had that order; why did you not take his final answer?—I did get a final answer from the Lord Chancellor.

3044. You never told him that you had prepared them?—Never.

3045. Was that in consequence of what Mr. Skirrow told you?—My not telling him?

3046. Yes?—No.

3047. Mr. Skirrow has stated that he said, "Good God! You will not men-"tion that to the Chancellor"?—He made use of some such expression. Mr. Skirrow seemed very much surprised that I should have gone so far.

3048. You never told the Chancellor that you had made out the order?—No. I believed from what Mr. Skirrow told me on the previous occasion of my seeing him, that he would succeed with the Chancellor, and I prepared the orders.

3049. Colonel *Pennant.*] Cannot you recall to your recollection what were Mr. Skirrow's words, which induced you to get these orders made out?—He seemed very confident that the Lord Chancellor would accede to the application that he made to him; he seemed very confident that the Chancellor would transfer Mr. Welch from Leeds to London, and place Mr. Richard Bethell at Leeds.

3050. Can you recollect at all in what language that confidence was conveyed?—It is very much as I tell you now. He told me that he had made this suggestion to the Chancellor. I was very much surprised at it, for I had not the remotest idea that Mr. Richard Bethell would take a place in the country.

3051. The *Lord Advocate.*] It did not strike you as remarkable, that an order was given for the engrossment on the 25th, and that Mr. Richard Bethell's letter is dated the 24th. You would receive Mr. Bethell's letter that very morning?—We formerly had only a memorandum from the law stationer, and now we have his book. The engrossment of Mr. Richard Bethell's proposed appointment to London seems to be on the 22d of February.

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3052. We want the other: "27th of February, *Re* Bethell—orders," so many folios?—"Mr. Welch," on the same day, "Engrossing order," on the 27th of February those orders were engrossed.

3053. That is the Monday?—Yes.

3054. Did you give the instructions on the Monday or the Saturday?—That I cannot say; it might have been on the Saturday afternoon or Monday morning, and I took the orders to the House of Lords, and I there saw Mr. Skirrow, and he told me that the Chancellor was altogether opposed to it. I went in to the Chancellor, and he distinctly refused to make any order at all.

3055. Colonel *Pennant*.] Did you give the order personally to the stationer yourself?—Verbally.

3056. Personally?—I think so.

3057. Or did you send any message?—I think I gave it myself; I may have done that through Mr. Stewart.

3058. How long has Mr. Stewart been your clerk; has he been your clerk any length of time?—Not a very long time, but I can give you the exact date.

3059. He is the clerk who is responsible for the correctness of that index?—He is; at least for a portion of it. He has not been with me all the time. Mr. Stewart was transferred to my office from the office of the Accountant in Bankruptcy, on the 2d of March 1864.

3060. I see by a paper which has been printed for the use of the Committee, there is an answer of Mr. Wilde's acknowledging the receipt of the first report of Mr. Ayrton?—Yes; he had been specially requested to acknowledge the receipt of those documents.

3061. You specially requested it?—Yes.

3062. There is also an answer acknowledging the receipt of your letter of the 24th of May, is there not?—Yes.

3063. Both those answers, acknowledging the receipt of those documents, came by return of post, did they not?—Yes.

3064. But there is no answer whatever in these papers as to the receipt of the letter of the 9th of June, forwarding the last report to Mr. Ayrton?—No; I have no letter acknowledging that.

3065. Did you also request an acknowledgment of that letter as well as in the case of sending off the first report?—No; I do not appear to have done so.

3066. *Chairman*.] Do you remember in your letter to Mr. Wilde, adding a second paragraph entirely of your own authority?—Yes; that is the letter of the 26th of July.

3067. How was it that, in your letter to Mr. Payne, you made no such suggestion?—Mr. Payne was upwards of 80 years of age, and he had been registrar from 1842.

3068. I understand you to adhere to your statement, that you believe Mr. Wilde mentioned to you the state of his health?—Yes; I never saw Mr. Wilde, except on three occasions, and I have been able to trace the first of those occasions.

3069. Mr. *Edward Egerton*.] At Question 951, Mr. Wilde is asked, "Mr. "Miller told us that he had heard that you had been in bad health for some "time; did you see Mr. Miller?" The answer is, "To the best of my belief I "had not seen Mr. Miller for many months previously," and he expressed surprise that you should have known he was in bad health. In answer to Question 952, Mr. Wilde says, "I do not think such a fact could have come to his know-"ledge; I am sorry to say that the feelings between us were such, that we were "rather in a state of alienation." How do you reconcile that?—I assure you that I entertained no hostile feeling towards Mr. Wilde.

3070. Mr. Wilde states that you had no means of knowing what his state of health was?—One hears all the gossip.

3071. In your letter you expressed your sympathy about his health, and he states you had no means of knowing of it; how do you reconcile that?—If a man is in a very bad state of health it is very likely to travel, and be talked about.

3072. Mr. *Vivian*.] You stated distinctly that you had seen Mr. Wilde in London shortly previous?—Yes; I first of all fixed it about three weeks previously to the 26th of July, and I believe that I am right; I have only seen Mr. Wilde three times, and this letter enables me to fix the date of my first seeing him.

3073. *Chairman*.]

3073. *Chairman.*] Do you remember receiving a telegram in the name of Mr. Wilde from Leeds on the 27th of July?—I think there was.

3074. You did not state that in your former examination?—No.

3075. Do you remember the effect of it?—No; I received a telegram. I find in a letter that I wrote to Mr. Ayrton on the 22d March 1864, thus: "The "alteration in the order as to the messengers was made on the application of "Mr. Wilde, who told me that he had been previously requested by Mr. Liddell "to ask that he might be allowed to remain at Leeds."

3076. The *Lord Advocate.*] Do you mean that was a verbal communication?—This is a letter I wrote to Mr. Ayrton on the 22d March, and it leads me to remember that it was very shortly before the date of that letter Mr. Wilde called upon me, and that is the first time I ever saw him. I think, however, as to Mr. Wilde's feeling towards me (I have none towards him), I can explain that.

3077. Do not go to that until you have cleared up the time you saw Mr. Wilde; Mr. Wilde has said that he was not in London at all during that period. Are you quite sure that letter refers to an interview you had personally with Mr. Wilde?—Which letter?

3078. That which you have now read?—No doubt of it whatever; I had seen Mr. Wilde in March 1864.

3079. Does that letter refer to an interview you had with Mr. Wilde in March 1864?—Yes.

3080. Are you quite sure of it?—Quite certain.

3081. Do you remember the interview?—Yes; he called to ask me a favour as regards one of the messengers—Nedell; or that something might be put right.

3082. Did you see him again before the 26th of July?—Certainly.

3083. When?—About three weeks before the 26th of July.

3084. Do you find any corroboration of that in your correspondence?—No; but if it were necessary, I could produce strict legal evidence of it.

3085. That is important?—I think I can produce strict legal evidence of Mr. Wilde having been in town shortly before the 26th of July.

3086. You recollect yourself that it was so?—Certainly.

3087. And you think you can produce evidence?—Yes; Mr. Roche——

3088. You think you can furnish testimony which will prove that fact?—Yes.

3089. Then be kind enough to do so?—I will.

3090. You were mentioning the name of Mr. Roche; who is he?—One of the Registrars of the Court of Bankruptcy.

3091. Anybody else?—Yes; I think Mr. Clarke, the Accountant in Bankruptcy; those gentlemen will prove that Mr. Wilde was in London between the 16th of May and the 26th of July, for he produced to both those gentlemen my letter of the 16th of May.

3092. Mr. *Bovill.*] It appears in the law stationer's ledger that the engrossment of the order of Mr. Slingsby Bethell's appointment was on the 18th of February, and a fair copy was made on the 20th?—Yes; "February 18th, "Slingsby Bethell, engrossing order."

3093. That was his appointment, I presume, to the House of Lords?—No; that was the order for the moiety of his salary up to the day on which he retired.

3094. Mr. *Edward Egerton.*] Have you got Mr. Wilde's medical certificate?—Yes (*producing same*).

3095. Mr. *Bovill.*] Do you persist in saying that there has been no money transactions between you and Mr. Bethell?—Most assuredly.

3096. Have you never given him any money?—Never; nor has he borrowed any money.

3097. Or lent him any money?—Never.

3098. Nor money's worth?—Nor money's worth.

3099. You are quite sure about that?—Quite certain; as certain as I am of my own existence; if anybody has said the contrary, it is perfectly untrue altogether.

3100. I should not have asked you the question unless somebody had presented it to my mind?—It is not only a mistake, but it is untrue.

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3101. *Chairman.*] You were under no special obligation to him?—None whatever.

3102. The *Lord Advocate.*] What was your great interest and anxiety about Mr. Bethell?—Simply because I conceived him unjustly treated; because I thought that his resignation had been forced from him, and I did not scruple to tell the Lord Chancellor so.

3103. Colonel *Pennant.*] Do you know at all who filled up the date in the medical certificate sent up from Leeds?—No.

3104. Did you receive it with the date in it?—As it is now.

3105. From whom?—I received it in that note which I acknowledged. A note was produced which was not copied into my book; and in that note I say I acknowledged the receipt of the note, and the medical certificate.

3106. You are aware that this date is filled up not in the same ink?—I am aware of that; you drew my attention to it. It is dated from Leeds on the 28th, and I received it on the 28th.

3107. "July 28th 1864," is written quite in a different ink from the word "Leeds"?—I think so.

3108. Apparently in a different handwriting?—Yes.

3109. Did you receive it with that date?—It is now in the state in which I received it. Allow me to draw attention to an important alteration which I wish to make. I refer to Question 934, and I submit that that question is not correctly reported, for I never could have given the same answer. I find that that same question is put to me no less than nine times. It is put to me at Question 285, at Question 288, at Question 311, at Question 338, at Question 343, at Question 345, at Question 346, at Question 707, and at Question 709, and all my answers are uniformly the same, with the exception of the answer to Question 334. If the question is to stand as it appears on the Minutes, I wish my answer to be thus. The question is, "Had you any information besides the "certificate" is the question. I wish the answer to run thus: "I have produced "Mr. Wilde's petition, and any one who looks at it must perceive at a glance "that a blank was left in it, and that blank must, as I have already said, have "been filled up from information supplied to me either by Mr. Wilde or by his "friends, and I beg again to observe that Mr. Wilde swears that the alle- "gations in his petition are true." Then Question 335 is, "Therefore you "referred only to his state of health as vouched by the certificate." Then I am made to repeat the last words of that question, "As vouched by the certificate." I wish to leave out those words, and to let my answer run thus, "I was of "opinion that the certificate did not go far enough; the narrative in the "petition was, as I have said, supplied to me." I humbly submit that after answering the question nine times, there must be some mistake. There is one other matter; I was asked the other day about Mr. Commissioner Ayrton, whether I recollected something that Mr. Lupton said in his evidence before the Select Committee. I did not recollect it; it was as to Mr. Commissioner Ayrton having sat only one day in a week at Leeds. I find that Mr. Commissioner Ayrton sat two days a week, and at present he is sitting one day a week.

3110. *Chairman.*] Instead of saying only one day as you stated in your previous examination, you should have said two days?—Mr. Commissioner Ayrton sat two days a week then, and is now sitting only one day a week; once every fortnight at Sheffield, and once every fortnight at Hull.

George Carew, Esq., called in; and Examined.

G. Carew, Esq.

3111. Mr. *Bovill.*] ARE you a solicitor?—Yes.

3112. Were you a creditor of Mr. Richard Bethell?—Yes.

3113. At any time did he propose to you a letter of licence?—Yes.

3114. Was this the paper he brought to you?—This is a duplicate.

3115. Did he request your signature to one of those papers?—Yes.

3116. I believe you signed it?—Yes.

3117. At the time you signed it, did he make any representation to you on the subject?—Certainly he did.

3118. Did you make a memorandum in writing of what he told you?—Yes.

3119. At

3119. At what time?—I made a memorandum at that time in my work for the day.

3120. How soon afterwards was that memorandum (*referring to a memorandum* at the foot of the Paper produced*) made out?—Some time afterwards. I do not know when. This was the 6th of January. It might have been a month afterwards.

* The memorandum here referred to was not that referred to in Nos. 3118 and 3119, but the memorandum at the foot of the document delivered in.

3121. Will you tell the Committee when Mr. Bethell asked you to sign that letter of licence?—On the day it bears date, the 6th of January 1865.

3122. Will you state what representation Mr. Bethell made to you on that occasion?—When Mr. Bethell called upon me he asked me to sign a letter of licence, and the representation he made to me was, that the Chancellor had promised him the appointments of which Mr. Edmunds was to be deprived; that they were 1,500 *l.* a year, and that he was to lay by 1,200 *l.* in the hands of Mr. Skirrow and another gentleman, for the payment of his debts. He said, "The "Chancellor has promised me the appointment." My reply was this: "If the "Chancellor turns out Mr. Edmunds and appoints you, there will be a devil of "a row." Those are the exact words I used to him. He said, "Oh, it will not "do for the Chancellor to leave me high and dry, because there is no knowing "how long he may be Chancellor." I said, "I am quite ready to sign the paper "whether you are appointed or whether you are not." I asked him if Mr. Skirrow was aware of his being one of the trustees. He said, Yes he was. I knew Mr. Skirrow very well. I was going to sign it, and he said, "One of "my creditors has suggested that it would be only limited to during the life of "the Chancellor," and he said, "I wish you to put in the licence that it is to last "during the Chancellor's life." Thereupon I put in the words which are introduced into that paper.

3123. Those words are "during the lifetime of Lord Westbury"?—Yes; that was at his own suggestion, as he said a creditor had required it of him. I then asked him if he had another print, and would be kind enough to leave me one of them, that I might take an exact copy; he said that he had, and he took one out of his pocket; I filled up two, one of them I gave to him, and that is the other, which I retained.

3124. The *Lord Advocate.*] You made the memorandum sometime afterwards?—I made it some time afterwards.

3125. What was your debt?—£. 400.

3126. Money advanced?—Yes.

3127. Was anybody present with Mr. Bethell at your interview?—No.

3128. You are sure that this statement was made on the 6th of January in this year?—Most positive. It is the only time I have seen him for a considerable time.

3129. Colonel *Pennant.*] Do I understand you to say that memorandum written at the bottom of the page was copied from some other memorandum which you made at the time?—No; this is made from recollection of the circumstances some time ago.

3130. The *Lord Advocate.*] What was the other memorandum?—I think the other memorandum was merely a memorandum of the day, "Attended Mr. "Bethell, and signed a letter of licence."

3131. And therefore you made that statement of that conversation a month after it happened. Why did you note that down?—I noted it down by reason of the inquiry which I understood was going on, that I might not trust to my memory longer than was necessary.

3132. Then it was after the inquiry had began, that you put that memorandum down?—Not after this inquiry began, but after the rumours.

3133. What rumours?—The rumours I heard about Mr. Bethell, and the statements that were going about respecting him.

3134. What statements?—About this enquiry that is now on.

3135. It was after you had heard rumours about this very enquiry that you made that memorandum?—Not this inquiry. It was after I had read in the newspapers the circumstances connected with this appointment.

3136. The Leeds appointment?—Yes.

3137. It was not until after you read in the papers the circumstances connected with this appointment. What appointment do you mean?—I mean the circumstances which have led to what I understand to be this enquiry now.

3138. You said just now, "the circumstances of this appointment"; what appointment?—Then I made a wrong statement.

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3139. What were the rumours that led you to make that memorandum?—The rumours I allude to are those I had seen in the "Standard."

3140. On what subject?—With reference to what has resulted in this inquiry.

3141. What is that which has resulted in this inquiry?—With reference to the rumoured appointment that was to take place of Mr. Bethell to the Leeds registrarship.

3142. What you saw in the newspapers in regard to an appointment to take place to the Leeds registrarship, is that it?—It was with reference to the statements that I saw in the "Standard," connected with the rumour of Mr. Bethell's intended appointment to the Leeds Bankruptcy Court.

3143. Can you tell me when this appeared in the "Standard"?—No, I do not recollect when they first appeared.

3144. Do you mean to say that any rumours of that kind appeared in the "Standard" within a month from the 6th of January?—No, I do not say that I made this memorandum within a month.

3145. You did say before, within two or three months?—No, I should say it was much nearer this period than it was in January, when I signed it.

3146. Can you say that there have been any rumours in the newspapers before a month from this date on that subject?—I do not recollect when I saw them. I read them from day to day in the "Standard."

3147. In short, you made it with a view to this inquiry, is not that so?—No, I did not make it with a view to this inquiry.

3148. You made it after Mr. Ferrand gave his notice in the House of Commons, did you not?—When was that?

3149. About three weeks ago?—Yes, I should say that I did; I would rather say that I did.

3150. Mr. *Bovill.*] Did that conversation occur with Mr Richard Bethell, which you have stated?—Just the conversation that I have stated.

3151. Have you any interest in this inquiry?—Not the slightest.

(*The following Document was delivered in:*)

"Proposal of the Honourable Richard Augustus Bethell for the settlement of his debts.

"Mr. Bethell to pay 1,200 *l.* a year into the hands of Charles Fletcher Skirrow, Esq., one of the Taxing Masters of the Court of Chancery, and Mansfield Parkyn, Esq., Official Assignee in the London Court of Bankruptcy, as trustees for the creditors, by equal quarterly payments, to commence 1st May 1865, until the debts, with interest at 5 per cent., shall be fully paid. The creditors to execute a letter of licence, releasing Mr. Bethell from all proceedings during the lifetime of Lord Westbury,* provided the payments are made in manner above-mentioned.

"We, the undersigned creditors of Mr. Bethell, agree to the above proposition in respect of our debts and interest.

"*George Carew.*"

"Dated 6th January 1865."

* "*Memorandum.*—The above interlineation was inserted by me at the instance of Mr. Bethell, who stated it to have been suggested by a creditor, and I signed the above entirely on the faith of Mr. Bethell's assurance that the 1,200 *l.* a year, were to be appropriated by him from the 1,500 *l.* a year derivable from the emoluments of the offices of which Mr. Edmunds was to be deprived, and to which Mr. Bethell stated 'the Chancellor,' to have promised him the appointment."

G. Carew.

Francis Charles New, Esq., called in; and Examined.

F. C. New, Esq.

3152. The *Lord Advocate.*] YOU are the Solicitor of Mr. Welch?—I am.

3153. I think Mr. Welch informed you in the course of the end of last year that he had received certain anonymous communications and letters, which were sent

sent to you, and that he had received a demand from Mr. Harding for payment of a sum of money?—He did.

3154. Did he send you a letter which he had received from Mr. Harding, or from his solicitor?—He did.

3155. And in consequence you wrote the letter, a copy of which we had yesterday?—I did.

3156. After that letter was written, did Mr. Harding come to your office, accompanied by any one?—He did. He came accompanied by a clergyman, who I understood was Mr. Bartlett.

3157. Did Mr. Harding state who he was?—I think he introduced him to me as Mr. Bartlett.

3158. Did you know Mr. Bartlett before?—No.

3159. State to the Committee what took place on that occasion?—Mr. Harding said that he wished to inform me of what had taken place between him and Mr. Welch. He said that Mr. Bethell had said to him (Mr. Harding) "Here is Mr. Welch, who wishes for an appointment I am to have (I am not "sure whether the sum he mentioned was 1,500 *l.* or 2,000 *l.*); go and arrange "it with him;" and he added "I (meaning himself, Mr. Harding) was to have 250 *l.* at first, "and another 250 *l.* afterwards."

3160. Are you quite sure that is what he stated?—I am quite sure. I remember the conversation very distinctly; Mr. Harding also said, "Mr. Bethell "behaved very honourably to me with regard to the first 250 *l.*, but I have not "been able to get the second;" he further said that he was pressed for money; that he had some demands coming due of 250 *l.*, which he did not know how to meet. The conversation was to that effect. I said to Mr. Harding, "Mr. Welch "positively denies and repudiates any such understanding at all;" "but," he replied, "I know this; I took Mr. Bethell a cheque for 500 *l.* from Mr. Welch." I saw at once the foundation on which he was basing his claim on Mr. Welch, and my reply was, "I know all about it." He then went on to say, "I assure you I "have not said a word about this to any one." I said, "I am very glad to hear "it," and was going on to say more, when he stopped me and said, "I can assure "you that I have not." I said again, "I am exceedingly glad to hear it, because "that has given me information which I have been long seeking." The gentleman (who I suppose was Mr. Bartlett) saw what I was driving at, and said to Mr. Harding, "I thought you had mentioned it to A." He said, "No, never," and then they both left my room. Mr. Harding came back almost instantly, unaccompanied by Mr. Bartlett, and came close to me, and said, "Have you any "thing to say to me in confidence?" I said, "Nothing on earth," he then went away, and I heard no more of it until this time.

3161. You said that gave you information which you had been long seeking; did you refer to those anonymous envelopes?—Yes, I had been instructed by Mr. Welch to try and get information as to the writer of those anonymous letters.

3162. And you thought from what Mr. Harding told you he might have written the letters?—That if what Mr. Harding said was true, either he or his friend must have written the letters.

3163. Mr. *Bovill.*] Had you a promissory note for 500 *l.* in the possession of your firm?—Yes, it was passed through our bankers.

3164. Tell me the date on which it came into your hands?—I cannot tell you the date on which it came into our hands.

3165. About the date?—I can tell you the date it was paid into our banker's, the 17th of June.

3166. Was it paid in for the purpose of collection, or paid in sometime before it became due?—It was paid in for the purpose of collection; the memorandum I have in our cash book, under the date of 17 June 1864, is "Welch, "P. Bethell's bill, due 21;" that means 21st of June, 503 *l.* 1 *s.* 7 *d.*

3167. Mr. Bethell told us, as I understood yesterday, that it was a bill due on the 9th of June, and that he had the information from you. Was there another 500 *l.*?—No; I think the bill was dated the 9th of May.

3168. The bill was returned unpaid on the 2d of July, as appears from the banker's book?—Yes; it was paid in for collection on the 17th.

3169. It was a bill that became due on the 21st of June; is that so?—Yes.

3170. It was paid into the bank of Messrs. Tucker and New by them on the 17th of June, and became due on the 21st of June?—Yes.

3171. And it was returned noted on the 2d of July?—It is entered in our

F. C. New, Esq.

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banker's book on the debit side on the 2d of July; but it would have been returned to us within a day or so after it was dishonoured.

3172. It would seem to be exactly a six weeks' bill?—Yes.

3173. The *Lord Advocate.*] The bill was returned to you from the bank, was it?—Yes.

3174. What did you do with it?—I think it was afterwards returned to Mr. Welch.

3175. Do you know when?—I do not; but I think it was a few days after it was returned to us.

3176. Therefore, probably it was returned in the month of June?—Yes.

3177. Mr. *Vivian.*] Have you referred to your letter book?—No.

3178. Your letter book would show when the bill was returned, would it not?—Yes, unless it was returned personally.

3179. Then you would have taken a receipt, would you not?—Not from a client. I think it was my partner who returned it.

3180. Mr. *Bovill.*] Did you make out any settlement of account between Mr. Bethell and Mr. Welch?—No.

3181. *Chairman.*] Did Mr. Harding say what was the amount of his demand on Mr. Welch?—No, I did not understand from what he stated that he had any demand at all on Mr. Welch, but that his original demand was on Mr. Bethell, and that he fell back on Mr. Welch when he was unable to get what he wanted from Mr. Bethell. He did not lead me to infer that he had any demand on Mr. Welch at all.

3182. You are the solicitor of Mr. Welch?—Yes.

3183. And not of Mr. Bethell?—No.

3184. The *Lord Advocate.*] Why did he come to you?—The only reason I can fancy for his coming to me is, because he found that he was able to do nothing with me through his own solicitor, and he came to try to do something himself, to endeavour to alarm Mr. Welch through me.

3185. *Chairman.*] Had his solicitor applied to you?—Yes; and the letter, I I think, is before the Committee.

3186. The demand there was something above 300 *l.*?—£. 333. 6 *s.* 8 *d.*

3187. The *Lord Advocate.*] You have told us all that passed?—Yes.

Mercurii, 14° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Edward Egerton.
Mr. Evans.
Mr. Howes.
Colonel Pennant.
Mr. Vivian.

Mr. Bovill.
The Lord Advocate.

EDWARD HOWES, Esq., IN THE CHAIR.

Charles Norris Wilde, Esq., called in; and Examined.

C. N. Wilde, Esq.
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Mr. *Bovill* stated that as he had not been informed of what the witness wished to say, and as the Lord Advocate had consented to undertake his examination, he proposed to leave it to him in the first instance.

3188. The *Lord Advocate*.] YOU are the cousin, I think, of Mr. Henry Wilde, who was the registrar at Leeds?—Yes; he is a son of my uncle, the late Sir John Wilde.

3189. Were you intimate with him?—No; ever since he has been at Leeds I have hardly seen anything of him; I have not, I think, seen him five times during the 12 years.

3190. Has he sometimes come to your house in London?—I think hardly ever.

3191. Do you recollect hearing anything from him in regard to his office at Leeds, in July 1864?—The first communication, indeed the only communication I received from him was a letter on the 28th of July.

3192. Did he come and see you himself after you had received that letter?—I received it on the 28th, and I saw him on the following day, the 29th.

3193. Do you refer to the letter which you find in that Parliamentary Paper?—His letter to me was a letter enclosing a copy of the letter which I find in this Parliamentary Paper, dated the 26th of July.

3194. Have you got a copy of his letter to you here?—I have not; it was a short note; I have it in memory.

3195. Did he explain to you the circumstances in which he was placed?—His letter asked me to call upon Mr. Miller immediately; but as he neither sent me any papers, nor told me what the charge was, nor what the defence was, I did nothing.

3196. In point of fact, you did not go to Mr. Miller?—I did not go to Mr. Miller.

3197. Nor see him at all?—No, I did not see him; nor had I any communication with him, verbally or in writing, upon the subject of Mr. Henry Wilde's retirement.

3198. Had you seen Mr. Miller at all about that time; had you seen him in the month of April?—The only occasion in my life on which I ever spoke to Mr. Miller was in the month of April 1864, and I can fix the exact day of my interview with him; it must have been on the 10th or 11th of April.

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3199. Do you remember what the subject of your conversation was?—I had heard that there were some charges against my cousin, and I called therefore upon Mr. Miller, and he then told me what the charge was; viz., that he had improperly certified an order as being authorised by Mr. Commissioner Ayrton without having authority to do so; he showed me a letter from Mr. Henry Wilde of the 9th of April, that enables me to fix the date. He had received that letter, I think, that very morning, and therefore that fixes the 10th of April as being the date when I saw him; that was before any charge was made with reference to borrowing monies, and before any charge had been made, founded on any report of Mr. Commissioner Ayrton, as to sanctioning improper allowances.

3200. May I ask what you are?—A solicitor, carrying on business at College Hill. Except on that occasion, on the 10th or 11th of April, I never saw Mr. Miller.

3201. Colonel *Pennant*.] What date in April do you say?—The 10th or 11th of April. Except that once, I never saw or had any communication at all with Mr. Miller upon the subject, and that communication, as the Committee will see, could have had nothing to do with any question of retirement.

3202. The *Lord Advocate*.] Did you take any part in arranging or transacting the matter of the retirement of Mr. Henry Wilde?—I took no part whatever in it. When I saw Mr. Henry Wilde on the 29th of July, he had already sent in his resignation, and, until I saw him this morning, I had not seen him since that date; that is from the month of July to this day.

3203. You have not seen Mr. Miller since the 10th of April, nor Mr. Henry Wilde since the 29th of July, until you saw Mr. Henry Wilde to-day?—Just so. On hearing what Mr. Miller had stated in his evidence, I wrote to him expressing my surprise, and asked him to correct it. I have since seen him, and it is with his knowledge that I am here to give this explanation. Mr. Miller, I may say, admits that he is wrong in his memory upon the subject, and requested me to explain that what he must have had in his mind must have been my interview with him on the 10th or 11th of April. He also thinks he may have been led wrong by the letter printed in the correspondence dated the 28th of July, in which Mr. Henry Wilde says, "I requested my cousin, Charles Wilde," (that is myself) "to wait upon you."

3204. You say that Mr. Miller admits that he was wrong about it?—Yes; no doubt he thought I had called upon him, because in this letter my cousin says that I intended to call. However, I never did call. I may also mention, that I find that several letters of Mr. Henry Wilde's are dated from my office; that arises from his having asked the permission of my partner to have his letters addressed there when he was up in town upon this matter. But I never saw either the petition, the affidavit, or the letters upon this subject, though they bear date from my office.

3205. Colonel *Pennant*.] Did you not say that you had seen the evidence of Mr. Miller before this Committee; how did you obtain it?—The Lord Advocate was good enough to read to me a certain passage, in which my name was mentioned, on my calling upon him this morning, in consequence of my having heard of Mr. Miller's evidence.

3206. Mr. *Edward Egerton*.] How did you know that your name was mentioned?—I read it in the "Standard" newspaper, and observed that my name was mentioned there; that is what first drew my attention to the matter.

3207. Mr. *Vivian*.] Then it is not true that you informed Mr. Miller that Mr. Henry Wilde intended to petition to be allowed to resign?—Certainly not; it is not true.

3208. That is stated by Mr. Miller in answer to Question 187?—That is the foundation of what I heard, no doubt.

3209. I wanted to put the general question, whether you ever informed Mr. Miller that Mr. Henry Wilde intended to resign. I am not referring now to any particular date?—I never did so at all.

Henry Philip Roche, Esq., called in; and Examined

Mr. *Bovill* stated that as he was not aware of the evidence which this witness was to give, the Lord Advocate had consented to examine him.

3210. The *Lord Advocate.*] WHAT is your office?—I am Registrar of the Court of Bankruptcy in London.

3211. Do you know Mr. Henry Wilde, who was registrar at Leeds, by sight?—I have seen him once in my life.

3212. When was that?—I cannot fix the date at all.

3213. Do you recollect what the occasion was of his coming to see you, or did he come to see you?—Distinctly.

3214. Will you state to the Committee what you know about it?—I was the registrar of the day, as we call it in our court, and I was sitting in chambers at Basinghall-street, when Mr. Wilde came into my room and mentioned the name of some gentleman connected with the accountant's office (the name I forget), and said that he had been recommended to speak to me, or to ask my advice. I am only speaking from loose recollection. He sat down and told me that he had received a very peremptory letter from Mr. Miller, telling him that he must show cause against his dismissal within a very short time, or words to that effect, and he put his hand in his pocket to produce a letter. I said to him, "I "always make it a rule never to interfere in matters which do not concern me, "and I must decline to hear the letter read, or to have anything whatever to do "with the matter." Then Mr. Wilde went on to say, "If the charges against "me are true, at the very highest they would only amount to a *crassa negli-* "*gentia.*" I said, "I have no right to interfere in a case of *crassa negligentia* "or any other; therefore I entirely decline to interfere in the matter." I added, "If any representation is to be made to the Lord Chancellor, it must be made "through the proper authority, the chief registrar." Mr. Wilde did not appear at all satisfied with his interview and he left; but just before he left, one of my colleagues, Mr. Murray, came into the room, and, as a matter of usual courtesy, I introduced Mr. Wilde to him. From that day I have never seen Mr. Wilde, unless I have seen him outside just now, but I did not recognise him.

3215. Colonel *Pennant.*] When did this take place?—I cannot at all fix the date. I made no memorandum of it; it was not connected with the duties of my office, and I did not anticipate that any question would arise, and I could not now, on my oath, say whether it occurred in January or December. I cannot fix it; all I know is, that I was registrar of the day; that is impressed upon my mind by the fact that I was sitting in that room, and remember his sitting down there, and if I had not been registrar of the day, I should have been in my robes.

3216. It was in your office in London where this took place?—In London, in Basinghall-street. Every registrar performs the duties once a week, or twice a week, as the case may be.

3217. Can you recollect whether it was in summer or winter?—The fact is, that it made no impression whatever on my mind. I have taken some trouble to ascertain the date. I have looked at my own diary; my own diary is merely a diary of the cases before me; it has only reference to swearing affidavits and issuing small debt summonses, and things of that sort; and there is no record whatever kept of that occurrence. And it would be impossible to fix it by the day which would fall to me, because we sometimes sit for another registrar.

3218. Who was the gentleman who came in just before Mr. Wilde went away?—Mr. Murray. I have asked him, and he does not recollect. I have asked the usher, who came into the room, and recollected seeing Mr. Wilde, but he cannot recollect when it was.

3219. The *Lord Advocate.*] You cannot bring it at all nearer than that?—It is utterly impossible.

3220. Did you hear of Mr. Wilde's resignation?—I heard nothing at all of it.

3221. Have you never heard of it?—I have heard of it since, but I heard nothing of it at the time; in fact, my own impression when he called upon me was that he might have called upon me to ask some question as to the practice of our court; I knew nothing whatever about it.

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3222. Mr. *Bovill.*] I have nothing whatever to ask you; in fact, I do not know why you came here?—I understood that the Lord Advocate desired that I should attend, and of course I attended.

3223. *Chairman.*] You did not see the letter to which Mr. Wilde referred?—Not at that time; I refused.

3224. Would you be kind enough to repeat again the words you say Mr. Wilde used to you?—Only speaking from recollection, I think the words were that he had received a very peremptory letter from Mr. Miller, desiring him to show cause why he should not be dismissed within a short time, whether it was within a week or a fortnight I cannot say, but it was a short time, and he put his hand into his pocket to produce a letter, but I declined to see it.

3225. Colonel *Pennant.*] You cannot recollect at what period of the year that was?—It is impossible for me to do so.

3226. Mr. *Bovill.*] Are you quite sure as to the words he used; might it not have been that he had received a peremptory letter to resign?—My impression is that I have correctly stated what he said. I only speak from recollection.

3227. It is not possible that the words might have been that he had received a peremptory letter to resign?—No; I think there was something more.

3228. Are you sure there was something more?—Yes, speaking from recollection, I am.

3229. Have you a clear recollection?—Yes.

3230. Are you quite sure whether or not, when you first gave your evidence a few minutes ago, you said it was a peremptory letter to resign within a stated period?—Yes, I think that was it. I think I stated what I have now told you; I intended to do so.

3231. When was your attention first called to this matter with respect to your coming to give evidence here?—My attention was first called to it by Mr. Miller.

3232. When?—Mr. Miller called upon me yesterday, and he asked me if I could fix the date. I told him exactly what I have stated now, and I said I thought it would be very useless to come as I could not fix the date.

3233. Mr. *Vivian.*] Did Mr. Wilde in any way refer to the explanation which he was required to make to Mr. Commissioner Ayrton, on pain of having to show cause why he should not be dismissed?—I do not think he did. I think all he said was that the charges at the highest would amount to *crassa negligentia*, and then I said, "I have nothing to do with that."

3234. Did he refer to an explanation that he was required to make within a short time to Mr. Commissioner Ayrton or else he would be compelled to show cause, or did he refer to his being required to resign or else he would have to show cause?—I do not recollect; I have not the slightest recollection of any allusions having been made to Mr. Commissioner Ayrton or to anybody else.

3235. Or to the resignation?—No; I have stated the fact, as far as my recollection serves me, with perfect truth.

3236. One of these letters says that he is to explain to Mr. Commissioner Ayrton?—I have not read those letters.

3237. The *Lord Advocate.*] Did Mr. Murray hear what Mr. Wilde said?—No, Mr. Murray was not in the room; he came in just as Mr. Wilde was going out.

Henry Sedgwick Wilde, Esq., called in; and Examined.

H. S. Wilde, Esq.

3238. Mr. *Bovill.*] HAVE you referred to your papers and memoranda so as to be able to give the Committee any certain information as to whether you did or did not see Mr. Miller before the 26th of July; between the 24th of May and the 26th of July?—I am quite positive that I never saw him in the month of July.

3239. Have you referred to see where you were at the different dates?—I have sent up to Leeds, and they have sent me back a return of the days I sat in court in May, June, and July. I sat daily, as shown by return.

3240. Are you now able to state with certainty, one way or the other, whether you did see Mr. Miller in the month of July?—I am quite positive I never saw him before the 29th July.

3241. Mr.

3241. Mr. *Vivian.*] In the month of July?—In the month of July.

3242. Did you see him in the month of June?—No, certainly not.

3243. Mr. *Bovill.*] Did you see him in the month of May?—I should say I did not see him even in the month of May; I had the correspondence to which I referred before, in the case of Monks and Brooks, on which our friendly communication ceased, and from that time, to the best of my belief, I never saw Mr. Miller.

3244. What was the date of that?—Allow me to refer to the letters; these are the letters (*producing several letters*); the date was the 14th of June; it is about the 14th or 16th of June, when our correspondence ceased. This letter begins "Sir," and ends, "Yours obediently."

3245. Mr. *Vivian.*] In what year?—In 1864.

3246. Mr. *Bovill.*] Since you were examined you have had an opportunity, I dare say, of thinking over these matters with regard to that second report of Mr. Commissioner Ayrton's?—Yes.

3247. And the letter, or copy of a letter, that purports to have been sent to you on the 9th of June?—Yes.

3248. Having thought the matter over again, what do you say now as to whether you did or did not receive a copy of that second report, and of that letter of the 9th of June?—I never saw that report, and I am the more confirmed in that, because I have a letter here from Mr Abraham, the secretary to the Lord Chancellor, in November. I then was in Yorkshire, and I requested an interview with Mr. Abraham. My express object in seeing Mr. Abraham was to complain that that report had been sent to the Chancellor, and that I had had no copy of it. I considered myself aggrieved at not having had an opportunity of answering that report, and I requested Mr. Abraham that I might have that opportunity by seeing the Lord Chancellor, or inducing him to lay any sort of correspondence that I might have before the Lord Chancellor in reference to that report. Mr. Abraham then said that all correspondence or requests for interviews in matters of bankruptcy, must necessarily go through Mr. Miller, the chief secretary in bankruptcy, and that being the case, I refused to have any sort of correspondence sent through Mr. Miller, and the object of my seeing Mr. Abraham was therefore defeated. But I saw him upon that occasion with the express object of complaining that that report had been received by the Lord Chancellor without my having had a copy of it.

3249. Colonel *Pennant.*] In what month was that?—In November 1864.

3250. The *Lord Advocate.*] Did you say that you had a letter from him?—Yes, from Mr. Abraham.

3251. Will you read it?—

"Sir, "October 24th.

"I shall be in attendance all the week, and I shall be happy to see you if you can call on Wednesday or Thursday next, between 10 and half-past 12."

3252. Mr. *Bovill.*] That fixes the date?—Yes.

3253. Have you a copy of any letter that you wrote to any person connected with the office in London, as to your not having had a copy of the petition; Mr. Miller said yesterday that they had applied for a second copy; have you a copy of any letter that you wrote upon the subject to anybody; either the Lord Chancellor's secretary, or Mr. Miller, or anybody connected with the office in London?—No, I think not.

3254. Colonel *Pennant.*] Did you apply to the office for a second copy of Mr. Commissioner Ayrton's statement?—I cannot fix my memory with having done so; to the best of my belief my attention was called to the report by a friend telling me that it was actually printed, and was part of the minutes in a Blue Book.

3255. Mr. *Edward Egerton.*] Who was that friend; was it Mr. Payne?—I cannot say who the friend was; I only remember the fact.

3256. What Blue Book do you refer to?—That containing the minutes taken before the Bankruptcy Committee.

3257. Was that the first intimation you had of that report?—It was the first intimation I had of that report, except a general intimation that reports had been made by Mr. Commissioner Ayrton; but whether they were favourable or unfavourable, and what was the subject matter of the reports, I did not know.

H. S. Wilde, Esq.

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3258. Colonel *Pennant.*] Did you see it in the Blue Book yourself?—Yes, in October or November.

3259. And you have no recollection of having written to the office for a copy of that report?—I think it is very possible that I might have done so after seeing it in the Blue Book, or after my attention having been called to it by a friend.

3260. You have no copy of any letter of that kind?—I kept no copy of any such letter.

3261. Mr. *Edward Egerton.*] Had you no correspondence with Mr. Miller after the 9th of June; did all communication between you cease?—Except in reference to the matter I referred to before, upon which there was a correspondence. (*Re* Brook.)

3262. I mean subsequent to that date you had no communication with Mr. Miller?—I think not, except upon the subject of some travelling expenses after my resignation. I believe there was a communication that subsequently passed between us in reference to some outstanding travelling expenses which were due to me.

3263. Why did you not mention the fact of your having received that blank envelope?—I cannot state the reason for that, except that I thought it was a mere ordinary circular. This is a fact that can easily be made certain to the satisfaction of the Committee, by application to Mr. Payne; but my impression is that that envelope was in existence, or was sent to us before the report was in existence, and therefore it could not have contained the report.

3264. The *Lord Advocate.*] How many communications did you obtain from the Bankruptcy Court in a day or a week; or how many in the month of July?—In the month of July I received a great many, because we were kept in a great state of anxiety.

3265. Were there a great many?—Yes.

3266. And you were in a great state of anxiety you say?—Yes.

3267. When you got that blank envelope from the head officer, though you were in a great state of anxiety, you never thought of inquiring what it ought to have contained?—No; I own I thought it did contain something that was in the regular routine of the business, and was not important in itself.

3268. Why did you suppose that?—Because Mr. Payne said he had made inquiries about it, and the result was that it did not contain anything important.

3269. Mr. Payne said he had made inquiries about it?—Yes.

3270. Do you recollect seeing Mr. Roche, a registrar, that summer in London?—Yes, at the Bankruptcy Court.

3271. Why did you go to the Bankruptcy Court; did you go to see Mr. Roche?—No.

3272. What took place between you and Mr. Roche?—I am sure I could not say.

3273. Did you not ask him to interfere in your behalf?—I am not aware that I did; I am sure I could not state what passed; Mr. Roche is a perfect stranger to me.

3274. You had some conversation with him?—I did talk to him; I believe it was only upon general business, or general affairs; I am not aware of having asked him anything, unless it is brought to my recollection. I cannot recall it.

3275. Was that before you resigned, or afterwards?—I fancy it was before; really I have no recollection about it. I cannot tax my memory as to whether it was before or after; Mr. Roche was a perfect stranger to me, I know that.

3276. Will you say that you did not ask him to do what he could for you and say you had been recommended to consult him (Mr. Roche), and propose to go into the particulars of a letter you had got from Mr. Miller?—I really could not tax my memory with it; I am not aware of doing so. Mr. Roche was a perfect stranger to me; I think I only met him as going there. I hardly know why I was at the court even. I do not know why I happened to apply, myself, to Mr. Roche.

3277. You did, however?—Yes; I recollect perfectly well that I did see Mr. Roche; that fact is in my memory.

3278. As I understand your evidence, it is substantially this: after your quarrel with Mr. Miller you did not call upon him again until you went about your resignation?—Yes.

3279. And your quarrel was about the 10th of June?—Yes.

3280. You

3280. You have already fixed that date?—Yes, between the 10th and 16th of June.

3281. Can you say how long it was before the 10th of June since you had seen him?—To the best of my belief I had not seen him for months before. There was a return which I gave to Mr. Bovill which shows my attendances; I think it proves that I was not up in town in May, June, and July.

3282. You said you had not been up in London for months; was not your interview with Mr. Roche within May, June, or July?—That I cannot say; I say that my memory does not assist me to recall the exact time when I saw Mr. Roche. I remember the fact of seeing him, but I do not remember when it was.

3283. Mr. *Vivian.*] Are you acquainted with Mr. Miller's handwriting?—Well.

3284. Did you receive that blank envelope yourself; I mean did you see it yourself?—Yes, it was on my desk, I think.

3285. Can you state whether it was addressed by Mr. Miller, or whether it was in the usual handwriting of the clerks of the Bankruptcy Court of London?—No, I could not say that. I think my attention was only called to the fact of the empty envelope being sent to me by Mr. Payne's observing, "Why, I have "had an empty envelope sent to me." And upon my inquiring of the officers as to whether I had had such an envelope also, I was informed that such a thing had happened also to myself. My belief is that that empty envelope (as I say the fact can be ascertained from Mr. Payne) was really sent to me before the report existed.

3286. You cannot say whether it was addressed by Mr. Miller, or not?—No.

3287. Mr. *Edward Egerton.*] In fact you never saw the envelope, according to your account?—Whether it was shown to me afterwards or not I cannot say, but the fact is, it is very strongly impressed upon my mind that such a thing did occur; that an empty envelope was sent both to my court and to Mr. Payne's court.

3288. If you had seen it would you have recognised the address of the envelope if it had been in Mr. Miller's writing?—Yes.

3289. The *Lord Advocate.*] Do you recollect what you said to Mr. Abraham when you saw him?—Yes. I said to Mr. Abraham that I had been treated with injustice, inasmuch as the report which I had then seen had reflected upon my conduct, the report being made by a gentleman, Mr. Commissioner Ayrton, whose conduct, I thought myself, was really the cause of the miscarriage which was complained of, and that therefore he had had the opportunity of fixing upon me a blame which really attached to himself, and therefore I should have been very glad indeed to have had an opportunity of explaining to the Lord Chancellor that conduct which he said was exceedingly culpable.

3290. What was his answer?—His answer was that all communications with the Lord Chancellor upon bankruptcy business must necessarily go through Mr. Miller.

3291. *Chairman.*] Can you remember whether you spoke to Mr. Payne about the blank envelope?—No, I cannot, more than before said; I know it was just about the time when the empty envelope was sent to us that the report was made; I could not state the time, but my impression is that it was before the report existed. If it were important, I should like Mr. Payne to be examined before the Committee on that point; I have no object in concealing the real truth as to the particular time, or any fact in regard to it. I should like Mr. Payne to be examined about it.

3292. Colonel *Pennant.*] Did you mention to Mr. Abraham the fact of your not having received that report?—Yes, that was one of the grounds of my complaint to Mr. Abraham, that my conduct was impugned for irregularities which I had not had an opportunity of explaining; that was the subject of my complaint to Mr. Abraham, and I have since then been waiting to see the result of Mr. Payne's application. Mr. Payne made the same complaint to Mr. Abraham and to Mr. Miller, to Mr. Ayrton and to the Lord Chancellor, that he never had the report; and he requested earnestly that, on account of his having been taken by surprise, and imputations cast upon his character behind his back by the report in question, he should have an opportunity of explaining them face to face to the Lord Chancellor in open court, or otherwise, as the Lord Chancellor should direct.

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3293. The *Lord Advocate.*] Is that Mr. Payne's statement?—Yes; and I say that I waited the result of his applications to the Lord Chancellor. I have copies of letters which I know were sent to the Lord Chancellor upon it. They are here. I waited the result of those letters, in order that I myself might apply, supposing he was successful. I failed to get an audience of the Lord Chancellor, or an opportunity of having any correspondence sent direct through Mr. Abraham, without going through Mr. Miller.

3294. *Chairman.*] You remember the statement dated the 30th of May, which you sent to the Lord Chancellor?—Yes.

3295. Was that the whole statement of your case up to that time?—Yes; I should think it would be the whole case up to the 30th of May.

3296. Were you examined afterwards before Mr. Commissioner Ayrton?—No, I think not after that.

3297. Will you turn to page 24 of the printed papers; you will see your examination set out?—Yes.

3298. That was your examination taken before Mr. Commissioner Ayrton on the last occasion?—That was my examination made on the 31st of May.

3299. The day after you had written your statement?—Yes.

3300. Did you send any further statement of any kind to the Lord Chancellor?—No.

3301. Nor to any person connected with the office of bankruptcy?—No.

3302. Perhaps you will remember that, when you first were examined as a witness, you expressed a wish to make some observation?—I did.

3303. In answer to that, I told you that you had better postpone your observations till the questions were put, and that upon their being put you would have an opportunity of saying anything relative to those questions that you thought right?—Yes.

3304. Is there anything further that you wish to state to the Committee bearing upon your case?—I should like most undoubtedly to do so.

3305. The great point before us, as far as you are concerned, is whether you have had a full and fair hearing upon all matters relating to your case?—I should like to say something upon that.

3306. Mr. *Edward Egerton.*] You know now what the letter of the 9th of June contained; namely, the additional charges?—You mean the report of the 3d of June, I think it is.

3307. The letter which you say miscarried?—The letter of the 9th of June is the letter in which Mr. Miller says he forwarded to me a copy of the report.

3308. You say that you have seen that report now in the Bankruptcy Blue Book?—Yes.

3309. Were you prepared to make any additional answer to that statement beyond what is contained in your examination set out in page 24?—Yes, certainly; I cannot help thinking that I could show to any impartial mind (I would take even the Lord Advocate himself) he could not, upon this report and the evidence contained in the correspondence before the Committee, come to any other conclusion than that at any rate I was excusable, if I was not justified, in the course; that is, taking the case upon these papers which have been printed, and which have been laid before the Committee, and upon which, doubtless, their judicial mind is to proceed. I say, in reference to the first paragraph of that report, that I find that the solicitors' bills——

3310. *Chairman.*] You wish to answer the report which Mr. Commissioner Ayrton made on the 3d of June?—Yes; I say this, that the Committee have had their judicial mind directed to my conduct by an express direction of the House of Commons, and they have actually investigated this evidence, and they have come to some conclusion in reference to my conduct upon it. Then I say that it suggests itself to the instinct of any one that I must necessarily have a right to comment upon that evidence to which the judicial mind of the Committee is directed, and by which it has been biased and guided, and is the ground of their future judgment. I am desirous that the whole of my conduct should be investigated, and with the assistance of the eminent gentleman who attends here as the representative of the Government, my official conduct can be weighed by the gentlemen who are here present, and to whom the question has been referred by the House. I think I can go through this matter without tedious detail, and say all that is necessary in half an hour.

The Right Honourable the *Lord High Chancellor of England* (attending by permission of the House of Lords), Examined.

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3311. Mr. *Bovill.*] I do not know whether it will be more agreeable to your Lordship to make any statement, in the first instance, or whether I should proceed by putting questions?—I think it would be the most convenient plan—but of course I am in the hands of the Committee, and I will adopt any course you think right—that I should state to you all that I know of the matters in which I have been personally concerned, which form the subjects of your inquiry, and then I shall be most happy to answer any question that may be put to me.

3312. *Chairman.*] We will adopt that course, if your Lordship pleases?—Then I think the first subject to which I will advert is, the circumstances connected with the resignation of Mr. Wilde, of his office of registrar of the Court of Bankruptcy in Leeds. The Committee are aware that I found it necessary, at the end of the year 1862, to institute a very searching examination into the accounts of the officers connected with the Court of Bankruptcy. Circumstances came to my knowledge which rendered that examination very requisite; it was not until some time after the new Act came into operation that the facts arose which demanded inquiry. One circumstance was, the manner in which the official assignees had retained money on the ground, apparently, of services rendered by them antecedently to the time when the Act of 1861 came into operation; I found also that there had been great neglect in auditing the accounts of the official assignees and of the messengers; among other things I may mention that I found that the accounts of one of the official assignees had been audited by the usher of the court for a period of more than 20 years. In short, there were so many subjects of complaint and of irregularity that I thought it expedient to appoint one of the Commissioners, assisted by an accountant, to make a thorough investigation. I may mention, by the way, that that investigation has resulted in the recovery of sums of money amounting to, I think, between 30,000 *l.* and 40,000 *l.*; and it has led also to the dismissal of certain officers.

A report was presented to me relating to the Leeds Bankruptcy Court, and, if I recollect rightly, that report, with reference to the registrars of the court, stated several grave charges affecting Mr. Wilde. One of them was, that in the accounts rendered (that is the annual account which the officer is bound to render, in order to determine the payments that ought to be allowed out of the chief registrar's fund, which is a fund for the payment of the officials), Mr. Wilde had made certain returns which purported to have been examined and approved by Mr. Commissioner Ayrton; and the statement was, that Mr. Commissioner Ayrton had never seen the account, and had given it no examination and no approval; that was one charge. The other charge was, that Mr. Wilde had passed accounts rendered to him by the official assignees and by the messengers, and had allowed sums of money without the production of any vouchers at all. He had taken the words of the messengers and of the assignees, and, what is more, it was stated that he had allowed sums of money for work represented to have been done, but which had not been done at all; as, for example, sums allowed for journeys alleged to have been taken, but which had not been taken. There was another, and I thought a minor charge, though if it extended itself to any amount it would have been a grave charge, namely, that he had borrowed moneys from the official assignee and from the messenger, they being officers whom he had the duty of superintending, as well as of examining their accounts.

Upon that report being presented to me, I desired that Mr. Wilde should give an answer to it. The answer was delayed; the first answer I think was not at all a satisfactory one. Mr. Miller communicated with me upon the subject, and he recommended that the course should be taken of summoning Mr. Wilde, if the answer was not perfectly satisfactory, to appear before me in the court for the purpose of showing cause why he should not be dismissed from his office. I must admit to you that I was extremely unwilling to take any such course, and although these charges were very grave, yet, having regard to the irregularity that had prevailed, I was extremely reluctant to entertain any thought of dismissing him. But it was the only mode by which he could be compelled to render an account, and as I thought it requisite that some public notice should

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be taken of his conduct, because I found that he had been reproved on two former occasions (on one occasion by Lord St. Leonards, and on another occasion by Lord Campbell), I consented that notice should be given to him for that purpose. I remember at the time that Mr. Miller stated to me that he understood he was very ill and wanted to resign his office. I do not think (but Mr. Miller can probably recollect better than I can) that, upon that communication being made to me, I gave any direction or made any remark.

I must here, for one moment, be permitted to advert to a circumstance which has been brought to my knowledge. I am very sorry that it was represented to the Committee, as I am given to understand that it was represented, that I felt some pain that copies of the evidence had not been sent to me. It was just the other way. I was very glad that copies of the evidence had not been sent to me. I have not seen or had any communication with Mr. Miller since he was examined here, nor, except the general statement which the Lord Advocate thought proper to give me on one or two occasions, which was of the most general character, have I had any information of the evidence which has been given; and though I had the pleasure of receiving this morning a copy of the evidence I have abstained from looking at it.

Mr. Miller on that occasion told me simply that Mr. Wilde was ill, and was desirous of resigning. I cannot tell you at what date this was, but it was sometime at the end of May, I think. Three or four days after this Mr. Miller came to me, and brought a petition signed by Mr. Wilde, with an affidavit, requesting leave to resign, and the certificate of a physician or a surgeon, I forget which. Those papers were certainly all laid before me, and I felt very great embarrassment, undoubtedly. At that time I was not aware of Mr. Wilde's exact relationship to the Judge of the Probate Court, and to my own Secretary of Lunacy; but I thought he stood in the relation of brother to them. That, undoubtedly, ought not to have influenced my mind, but I felt that the charge against Mr. Wilde, having regard to the former and general state of irregularity in the Bankruptcy Court, was not one upon which I could dismiss him without pronouncing a very severe sentence. I was painfully struck with the great inconsistency of having directed him to be served with a notice to show cause why he should not be dismissed, and then permitting him to resign on a pension. The inconsistency was obvious, but, at the same time, unless I determined to dismiss him, I had no alternative but to allow him to remain in that department. I thought him a bad public officer, and I thought that it would be a gain to the public if he was permitted to resign; and therefore having only those two alternatives, either to permit him to remain or to allow him to resign, I certainly decided upon allowing him to resign, and I accordingly signed the order for granting him a pension.

The court at Leeds is an extremely important one. The registrars are obliged to attend, one at one town and one at the other, and there is a great deal of business to be done. The other registrar was a very old gentleman, upwards of 80 years of age. The great difficulty that I have felt in the working of the Bankruptcy Act of 1861 has been this, that I have been obliged to have it administered by persons who had got wedded to the old system of administration. I was, therefore, not unwilling to have another public officer in the room of Mr. Wilde. When I had unwillingly and reluctantly agreed to let him resign in the manner that I have mentioned to you, Mr. Miller told me that it was absolutely necessary to appoint another registrar without delay. I was desirous of appointing a gentleman from the Northern Circuit. I have generally divided my patronage between the common law bar and the equity bar, as far as I could, and I was desirous of appointing a gentleman from the Northern Circuit to Leeds, which is included within it.

Being called upon by Mr. Miller to make the appointment, the person that had the largest amount of recommendations, and who had been last recommended to me, was Mr. Welch. Mr. Welch, if I recollect rightly, applied to me first in the year 1862, and I think (but upon that point I cannot be quite confident) that the late Sir William Atherton took an opportunity of speaking to me in his favour. I certainly received a letter from him, but I think I saw him personally upon it. I had received letters strongly in favour of Mr. Welch from all the leaders of the circuit. My secretary tells me that there were letters from Mr. Edward James, who is one of the leaders, from Mr. Stephen Temple, from Mr. Manisty, from Mr. Udall, and from some others. My son had also mentioned, in the year 1862 I think it was, Mr. Welch's name to me,

and

and had said that he was a gentleman he should be glad if I would recollect. The last application made to me, I think, before the communication of which I am speaking, by Mr. Welch, was on the 16th or 17th of May. I should not recollect the dates, but my secretary is in attendance with a book, in which it appears that on that occasion some recommendation was sent to me. I therefore gave Mr. Miller the name of Mr. Welch, and appointed him immediately upon the spot. I had not the smallest knowledge of Mr. Welch, other than from the information given to me which I have stated. I need hardly state to you, that Mr. Welch's appointment was made without the smallest reference to any member of my family; certainly without the smallest reference or intent that it should be connected with anything relating to my son, with respect to whom, I am sorry to say, that I had then formed a final determination that I never would give him any public appointment. Mr. Welch's appointment, therefore, was made in the most absolute and unconditional manner, simply in the way in which I have stated to you. I think that concludes all I have to say with reference to that part of your enquiry.

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3313. Mr. *Bovill.*] Would your Lordship forgive me for interrupting you for a moment. It occurs to me that there are a few questions which I desire to ask your Lordship, with reference to that first part of the subject, and it might be more convenient to complete that part before going to another, if it is equally convenient to your Lordship?—Perfectly. I would rather that it should be so, if you please, in order to be clear about it.

3314. I presume your Lordship has seen the Return presented to the House of Commons on the Leeds Bankruptcy Court, and the papers that are printed there?—Yes.

3315. At page 26 your Lordship will find the letter which was written by Mr. Miller on the 26th of July; that is the letter in which Mr. Wilde is called upon to return an answer in course of post; and at page 22 and the following pages there is what we have called the second report of Mr. Commissioner Ayrton upon the subject of the Taxation of Bills, and your Lordship will see also that by the papers that appear to have been sent by Mr. Miller to Mr. Wilde on the 9th of June, the report being dated the 3d of June?—Yes, I see the letters.

3316. In reference to something that has passed in this Committee, it is important to ask your Lordship whether you were under the impression at the time when the subsequent letter was written, that that report had been forwarded to Mr. Wilde?—Yes, certainly; I gave directions that every one of the reports should be forwarded immediately to the persons whom they affected.

3317. And at the time when the subsequent letter was written, I understand that your Lordship was under the impression that that had been done; that Mr. Wilde had been furnished with copies of both of the reports?—Certainly.

3318. Do you remember whether there was any communication to you made by Mr. Miller, or otherwise, as to Mr. Wilde having sent, or not having sent, any answer to the second report. Does your Lordship's memory serve you upon that subject?—I cannot remember whether it was to the second report or the first report; but the statement made to me by Mr Miller was, that Mr. Wilde's answers were not satisfactory.

3319. There is a printed statement here which, I suppose, was in writing at the time, by which Mr. Wilde appears to answer the first report; but we have not before us any answer that was sent at all to the second report, and it is right to tell your Lordship that there is a conflict of evidence on this point as to whether that report was sent or not. Of course your Lordship cannot give us any information on that subject?—No.

3320. It is desirable to ascertain whether your Lordship was under the impression that the second report had been sent to Mr. Wilde?—Certainly. My general recollection of the matter, assisted by what I have seen here, for I have glanced over these papers, was that Mr. Wilde addressed to me personally a long letter in explanation, which was directed particularly to the first report by Mr. Commissioner Ayrton. According to my general habit, which I have no doubt I followed in this case, I directed that immediately to be sent to Mr. Miller. As the Committee will observe, the Lord Chancellor can hardly by any possibility get through his duties without having some part of them delegated to and discharged by the officers about him, in whom he has every reason to trust. I had every reason to trust Mr. Miller, who has always been a very able and intelligent and active officer in this department. I directed Mr. Wilde's letter to

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be sent to him, and that he should forward it to Messrs. Ayrton and Harding, and I suppose their second report, if I recollect it rightly, deals with Mr. Wilde's explanation.

3321. And with some other matters with respect to the taxation of costs?—Yes; but that was one of the charges against Mr. Wilde, I think.

3322. The *Lord Advocate.*] It was the second of the charges?—Yes; I certainly thought Mr. Wilde had seen both the reports.

3323. Mr. *Bovill.*] Do you remember any complaint being made at any time by Mr. Wilde or Mr. Payne as to their not having been furnished with those reports by Mr. Miller?—No, I never heard of that at all; Mr. Wilde was in town, as I observe now from the dates of his letters.

3324. With respect to Mr. Commissioner Ayrton having been appointed, does your Lordship remember whether complaints had been made of Mr. Commissioner Ayrton, as well by the Leeds Chamber of Commerce as by Mr. Lupton, of his not having attended sufficiently often at Leeds?—No; I do not remember that; I am very sorry to give you always the unsatisfactory answer, that I do not remember, but I get such an enormous number of letters and applications, that it is impossible for me to read them through, or to examine them so as in a moment to be aware of the result; I generally send them all to Mr. Miller, or to the Registrar of Trust Deeds, Mr. Keene, to be examined. The enormous number of letters that I get is surprising, for if any man has a grievance, if any tradesman thinks he has been unjustly treated in point of dividend under a commission, he writes at once to the Lord Chancellor.

3325. I will now direct your Lordship's attention to the letter of the 26th of July 1864, which is set out at page 26?—I have it.

3326. I think the Committee would like to have some explanation with reference to this gentleman being called upon by this letter to send an answer in course of post?—I cannot give you any explanation; I never saw the letter; I am extremely astonished to find a letter in such language; but it must have been a letter written by Mr. Miller in consequence of his personal knowledge of Mr. Wilde; I have been extremely grieved at finding that the letter begins with what is a species of official minatory intimation, and then ends with an inducement to retire; it is obviously a letter not written with anything like strict official care and accuracy; I never saw that letter till it came out in consequence of these proceedings.

3327. I would call your Lordship's attention to the first part of the letter which, according to the view of some of the Committee, seemed to hold out an inducement to retire upon a pension, taking the first part of the letter quite independently of that which relates to ill health. The expression I refer to is this, "Unless I hear in course of post that you mean to apply to be allowed to "retire"?—Of course, as I tell you, I have never seen the letter before these proceedings. I can only explain it in this way, that when Mr. Miller pressed me to let him give Mr. Wilde a notice that he should appear before me (and the purpose that I had in that was that I might have a public hearing of this matter, thinking that it might operate very much to the benefit of the public by showing what those proceedings had been, and by preventing irregularities in future), Mr. Miller certainly told me that Mr. Wilde was, as he understood, in a state of bad health, and was desirous of resigning. And now, seeing these words, I infer that there had been some antecedent communication between Mr. Wilde and Mr. Miller on the subject. I cannot give you, from my knowledge, any further explanation.

3328. Then I understand your Lordship's recollection to be, that Mr. Miller had made a communication upon the subject of Mr. Wilde's health before this letter of the 26th of July 1864?—He told me on the day (I cannot give you the date of it) on which he applied for my leave to give this intimation to Mr. Wilde, that Mr. Wilde was, he understood, in a state of ill health, and was desirous of resigning; that is all that I personally recollect.

3329. It is right that I should direct your Lordship's attention to what Mr. Miller has stated upon this subject. He was asked at Question 208, "Let me "again call your attention to the first paragraph of the letter of the 26th of "July: 'It grieves me much to inform you that unless I hear, in course of post, "'that you mean to apply to be allowed to retire;' what is the meaning of "that? Is it to retire with a pension, or without a pension, or what?" His answer is, "That was the instruction given to me by the Lord Chancellor.—"Those

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"Those very words were given you by the Lord Chancellor? Yes." What is your Lordship's recollection upon that?—That must have been a great mistake. Mr. Miller could hardly have understood what he was saying, because certainly I gave him no authority to connect the notice to Mr. Wilde with anything about his retiring, nor did I give him any authority to communicate with Mr. Wilde at all upon the subject of his retiring. I understand your question now; you will be good enough to take my answer as being to the best of my recollection in the most unequivocal form, that I gave Mr. Miller no sort of authority and no species of encouragement to say anything to Mr. Wilde in this letter of his upon the subject of his retiring.

3330. There are other similar passages in the evidence of Mr. Miller, but I think your Lordship's answer embraces them also?—I think Mr. Miller would, on further recollection, entirely concur in what I have stated.

3331. I would direct your Lordship's attention to Question 213: "This is a "question of official language in the Bankruptcy Court, and the expression which "you say was the exact expression given you by the Lord Chancellor as that "which you were to use, was, 'Unless I hear in course of post that you mean "to apply to be allowed to retire;' that you would understand, and I suppose "everybody would understand, to mean to apply to be allowed to retire upon a "pension; you would have said 'Intend to resign,' if you had meant resignation? "I of course concluded, from what he had previously told me, and from what I had "heard, that he would apply to be allowed to retire upon a pension.—And, there-"fore, this expression was adopted; is that so? Those were the instructions given "to me by the Lord Chancellor, and I carried out the instructions I received." The answer seems to apply to the whole of this?—Yes; I did not understand you at first, because I could not conceive the possibility of it. Nothing in the world passed between me and Mr. Miller on this occasion, which gave him any kind of authority to represent anything to Mr. Wilde, or to make any communication to Mr. Wilde from me on the subject of his retirement; nothing of the kind.

3332. Might I ask your Lordship what was the precise instruction given to Mr. Miller; it would be desirable to have your Lordship's recollection of it?—My recollection of it is this. Mr. Miller said that it was most desirable, as we could get no sufficient explanation from Mr. Wilde, that he should be served with notice to appear before me in court. I consented to his giving that intimation and notice, as I have already stated. I did not conceive that the case was strong enough to warrant dismissal; that is to say, it might have warranted dismissal, but it would have been a severe sentence. I thought the case was so bad, that it was quite right that it should be publicly investigated, and that the reproof, if it ended in reproof, should be given publicly in court; and therefore I gave Mr. Miller directions to communicate with Mr. Wilde that he must appear before me. May I be permitted to ask what is the meaning of the 215th Question, "Then the same thing must have been in the Lord Chancellor's mind?"

3333. The preceding answer is, "Those were the instructions given to me by "the Lord Chancellor, and I carried out the instructions I received." Then the next question put is, "Then the same thing must have been in the Lord "Chancellor's mind." Mr. Miller says, "I ought to have stopped short at the "fourth line in that letter." He had previously stated this: I asked him at an earlier part of his examination in Question 107, "By whose directions "did you write that letter?"—(that is the letter of the 26th of July.) His answer was this, "The first part of it is strictly in accordance with the directions "I received from the Lord Chancellor; my instructions were to intimate to Mr. "Wilde, that if he did not retire, he would be served with notice to appear and "show cause why he should not be dismissed; the second part of that letter I "had no instructions for, it was written without any instruction. I did it as a "matter of kindness to Mr. Wilde." And then at Question 115, I say to him, "The first part of the letter was strictly in accordance with the instructions "you received from the Lord Chancellor? It was.—Did the Lord Chancellor "desire you to require an answer in course of post, in a serious matter of this "sort? He did.—His instructions were to require an answer in course of post? "Precisely so.—That means, I suppose, by return of post? Yes.—So that the "matter had rested from the 9th of June until the 26th of July, and then you "were instructed to write to Mr. Wilde and require an answer, by return of post? "Yes, 'Unless I hear in course of post that you mean to apply to be allowed to "retire, I have instructions from the Lord Chancellor to serve you with notice to "appear.'

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"appear.' If I had not heard, I should have given that notice." Your Lordship sees that the question was put first of all as to the directions that were given; the answers are very clear and distinct, and then various other questions were put, to ascertain whether what was done, was exactly in accordance with the instructions. At Question 132, again, Mr. Miller is asked, "Is it usual for you to "add such a clause as that, without any sanction from the Lord Chancellor, be- "cause it is an invitation to Mr. Wilde to apply for a pension? I am happy to "say this is not a usual sort of affair.—Having instructions to write the first "part of this letter, did you consider yourself justified, upon your own authority, "in adding the latter part of it? I felt that a public hearing before the Lord "Chancellor would create a good deal of scandal. I thought it was very de- "sirable that Mr. Wilde should quit, and that for his sake it was desirable to "avoid the scandal. I also felt that a hearing of this nature was a very painful "thing for the Lord Chancellor; these circumstances prompted me to write." Then comes a further explanation; I do not know whether your Lordship can throw any light upon it?—Why should those words in the early part of the letter be connected with the retiring, that Mr. Wilde was afterwards allowed to make, namely, retiring with a pension? In the case of another registrar, who certainly was guilty of great misconduct; what I said with regard to him was, that certainly I should dismiss him unless he resigned, but that I would accept his resignation. That is not an uncommon thing to be done; it happens frequently with magistrates; there was a magistrate the other day whom I should have felt it my duty to have removed from the commission, but I directed my secretary to write to him, to say that I hoped he would prevent that necessity by resigning. Now, it occurs to me that it is just possible that I might have said to Mr. Miller in conversation, "Unless he resigns, I have no other alternative than "to bring him into court." But at first, when the question was put to me, I interpreted the words as if Mr. Miller had said, "Unless you apply to retire with a "pension, I must serve you with a notice." It is just possible that I might have said to Mr. Miller, "I must have him in court for the purpose of considering "whether he ought or ought not to be dismissed, but I will accept his resigna- "tion if he makes it."

3334. Mr. *Edward Egerton.*] Did the other registrar get a pension?—No.

3335. How were the circumstances of Mr. Wilde different from those of the other registrar referred to?—The difference was this, that the other registrar had put money into his pocket by what he had done, and had used his office for the purpose of peculation, and, in truth, of appropriating money to himself; nothing of that kind existed in the case of Mr. Wilde.

3335*. Mr. *Bovill.*] I believe the Committee will desire to know this very clearly from your Lordship?—I hope I have made my answers intelligible to you.

3336. Quite so; but to be quite sure that there is no misunderstanding about it, the point seems to be as regards Mr. Miller's evidence, and your Lordship's recollection as to whether there were any instructions given to Mr. Miller to hold out any inducement to Mr. Wilde to retire, or whether it was to be a letter threatening him alone?—Certainly not to hold out any inducements; Mr. Miller had no instructions from me to do anything but to give him the notice to appear. But it is, undoubtedly, possible that I might have said to Mr. Miller that I would accept his resignation, meaning resignation without any pension whatever.

3337. Mr. Miller's account of these expressions is given thus: At Question 217, he is asked, "If you intended to say that he should give up his office with- "out a pension, would not the expression have been 'intend to resign'"? His answer is, "I have given you an instance in which the Lord Chancellor insisted "upon an unconditional resignation"?—What instance was that; was it the one I have referred to.

3338. Mr. *Edward Egerton.*] He never mentioned the particular case, I think; he did not mention the name?—It does not appear here.

3339. Mr. *Bovill.*] "And if he had intended to insist upon an unconditional "resignation in this case, would this form of expression have been used? The "language in that case would have been different, no doubt.—The language would "have been, 'Whether you mean to resign'? It left Mr Wilde open to make "out a case for the Lord Chancellor.—A case for a pension? A case for a pen- "sion.—And it was intended by those expressions to convey that to Mr. Wilde? "Undoubtedly.—Then you say the suggestion of applying for a pension, on the "ground

"ground of ill health, was your own? Entirely.—Am I to understand that "when the suggestion of retiring contained the expression here, which you say "is the Lord Chancellor's own expression, requiring him to say whether he "meant to apply to be allowed to retire, and which you say would be under- "stood to mean upon a pension, came from the Lord Chancellor, you then said "nothing at all about Mr. Wilde's state of health? I did not. I was not "aware that Mr. Wilde was so very ill as it afterwards turned out that he was, if "we are to believe the petition he presented." I felt it right to have your Lordship's attention directed to those statements of Mr. Miller?—I am very much obliged to you, for I was very much surprised when I read the letter. The word "retire" might be construed by the person to whom it was written, as meaning "retiring with a pension;" the word "resign," might have had a very different sense; but I gave no authority to couple either the one or the other with the notice that he should appear before me.

3340. Colonel *Pennant.*] It would be right to call your attention to the next question also. "Did you ever show a copy of this letter to the Lord Chancellor, "after you had written it? No I did not"?—That is undoubtedly correct.

3341. Mr. *Bovill.*] Did you ever see any copy of that letter?—Never.

3342. Mr. Miller would receive his instructions, and then have to carry them out?—Yes; you will understand that it is very difficult to get an opportunity of getting access to the Lord Chancellor upon these matters, because I go to the House of Lords, or to the Chancery Court, early in the morning, and then I have a very short interval of time before I am obliged to take my seat upon the Woolsack.

3343. Does your Lordship remember the instructions that were given with reference to Mr. Payne, the other registrar, as to the sort of communication that was to be made to him?—No, I do not. I do not think that Mr. Payne's case had quite the same features as Mr. Wilde's; it was in some respects the same, but not in all.

3344. As regards the health of Mr. Wilde, does your Lordship remember at what time the statement was made by Mr. Miller upon that subject?—The only things that I can recollect are the two things that I have mentioned to you; that at the first interview in consequence of which he wrote this letter, my recollection is that he told me, in a general way, that he heard Mr. Wilde was ill, and was desirous of resigning, or might resign; upon which, according to my recollection, I said nothing at all. The other occasion was when he brought me the petition signed by Mr. Wilde, ready prepared.

3345. Was there any statement with respect to Mr. Wilde's health at the time when this letter of the 26th of July was directed to be written?—I have mentioned to you that, if I recollect rightly, upon that occasion Mr. Miller said that he heard that Mr. Wilde was very ill, and wished to resign; either that he wished to resign, or had a case for resigning.

3346. I think your Lordship has stated a short time ago that this was about the end of May, and you have also said that it was three or four days before the 26th of July; your Lordship was probably mistaken about the date?—I used "May," I observe now, inadvertently; I meant the month in which this letter was written.

3347. Your Lordship did say that it was three or four days before the letter, but your Lordship having mentioned May, I wished to have it cleared up?—I am much obliged to you; it was an error.

3348. *Chairman.*] There is one matter that the Committee wish to have quite clear; your Lordship has mentioned that you understood from Mr. Miller that Mr. Wilde's answers were unsatisfactory; your Lordship did not see Mr. Wilde's answers yourself?—Yes, I saw that letter.

3349. The long letter?—The long letter; it was addressed to me. It is true that I saw it, and I dare say I ought to have examined it myself carefully, but I sent it in the first instance to Mr. Miller to be examined.

3350. Then, in fact, the Committee may take it that your Lordship trusted generally in these matters to Mr. Miller's representations as to the effect of Mr. Wilde's statements?—They related, you observe, to matters of account; sums of money. I was compelled, therefore, necessarily to do so, and, besides that, I had every reason to do so, for I had always found Mr. Miller a very able and intelligent officer.

3351. The *Lord Advocate.*] I understand that when your Lordship gave directions

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directions that Mr. Wilde should be served with that notice, it was not a foregone conclusion that he should be dismissed, but your Lordship wished that he should appear in open Court, in order to state there his defence; that the proceedings might be public?—It was certainly not a foregone conclusion that he should be either dismissed or not. At the same time, I must confess to you that, unless I was satisfied by argument to the contrary, I felt in my own mind that I could hardly be brought to dismiss him. Still it was a very grave and a very serious case; I felt that I could have no confidence in an officer who represented to me that certain accounts had been examined and approved by a person that I ought to trust, when they had not been so; I felt that the public would have no confidence in an officer who passed bills and accounts submitted to him, and which he was directed to require vouchers for, without requiring any voucher.

3352. Mr. *Bovill.*] You are aware of the explanation of Mr. Wilde with reference to that, that the certificate was only intended to apply to a particular account which had been approved by Mr. Commissioner Ayrton?—Yes, I am aware of that; I am afraid it was not so; but I did not examine it with any very great minuteness, because I thought it would be discussed before me in Court, and I wished to keep my mind free from any impression.

3353. Colonel *Pennant.*] I think Mr. Wilde also explained that his idea was that the other charges were in accordance with a certain scale that had been laid down by Mr. Commissioner Ayrton, or by some officer in London?—Yes, that is quite right, and tends greatly to extenuate; it relates to this subject: The official assignees, before the 10th of October 1861, were paid by fees; from and after the 10th of October 1861, they received a salary. Then there arose a considerable difficulty in determining, with regard to incomplete business, whether, if completed after the 10th of October 1861, it should be considered as covered by the salary, or whether they should have a retrospective right in respect of the fees. It turned out that some rule of conduct had been embodied in a letter written, I think, by a gentleman of the name of Lucas, who was then a taxing officer in the Court of Bankruptcy, and that letter, without my sanction, had been circulated generally in the country, and it gave rise naturally to a good deal of misapprehension on the part of the official assignees. I thought, undoubtedly, that where there was that misapprehension, their having retained money ought to be considered as a thing to which they were led by the letter; but if I recollect rightly, in these cases that occurred at Leeds, it unfortunately turned out that the business for which they claimed to retain the fees had been all done, or the major part of it done, subsequently to the 10th of October 1861.

3354. Your Lordship has already stated that Mr. Miller never called your attention to the second report of Mr. Commissioner Ayrton, and its not having been sent down to Mr. Wilde?—No, I thought it had been sent.

3355. But Mr. Miller did not specifically bring that before your Lordship's notice?—No.

3356. Mr. *Bovill.*] I presume if you had supposed that that report had not been sent, the letter would not have been written without a copy of the report being sent, and an opportunity afforded to Mr. Wilde of answering it?—Certainly not, because it was in some degree in consequence of my having no answer to that report, that the letter was written.

3357. I now pass from the letter of the 26th of July to the time when the petition, certificate, and affidavit were presented. Was your Lordship under the impression that they had emanated from Mr. Wilde altogether?—Yes.

3358. You were not aware that Mr. Miller had himself prepared the petition and the affidavit?—No, certainly not.

3359. Would it be any part of his duty himself to prepare the petition and affidavit?—Certainly not.

3360. When Mr. Miller presented to you the petition, the affidavit, and certificate, did he call your Lordship's attention to anything particular about the certificate?—No, he did not; he laid it before me, and it was my duty to have examined it.

3361. Did he call your Lordship's attention to the point as to whether it was a satisfactory or an unsatisfactory certificate?—I do not remember that he did so; but he certainly laid the petition, the affidavit, and the certificate before me.

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3262. Will you do me the favour to look at the terms of the certificate?—I have looked at it before, and I have felt some regret, finding it in the language in which I do now find it, that my attention was not called to it, but that is no reason; I ought to have personally attended to it. If I recollect rightly, Mr. Wilde, in his affidavit, made some very positive statement about his being disabled by illness or infirmity.

3363. The affidavit is printed here; it merely verifies the petition, and the petition is also set forth at the foot of page 26 of the return and the statement; he says as to his having "been afflicted with a failure in his sight, that the same "has now become so serious that he is no longer able satisfactorily to perform the "duties of his office, as appears by the certificate"?—The certificates of medical men are seldom expressed with any accuracy or precision of language; it is very true that this certificate appears to be not so strong as that statement; it says only that it was a serious hindrance to him; the last line is perhaps important. "I cannot look for any improvement in his vision."

3364. Mr. Miller has told us—(I cannot find the particular answer at this moment)—that he considered the certificate unsatisfactory. And then at Question 317 he is asked this question; "You told us just now that you considered "the medical certificate unsatisfactory? I did.—Considering the medical certi-"ficate unsatisfactory, did you prepare a petition which the Lord Chancellor was "to act upon, and send it to Mr. Wilde without any communication with the "Lord Chancellor. I dealt with the matter before me, and I guarded myself in "this way, that when I presented the certificate, the affidavit, and the petition to "the Lord Chancellor, I pointed out the objections I saw"?—I have no recollection of any such thing. The petition, affidavit, and certificate were presented to me, and I ought, in strictness, to have read them all; I do not think that I did. I probably looked at the petition, and saw the allegation, and I may have assumed that the medical certificate was in conformity with it; I certainly could never have read the medical certificate, or I should not have allowed it to have passed upon that certificate.

3365. Then at Question 255, Mr. Miller is asked this question, "Will you be "kind enough to tell us what passed between you and the Lord Chancellor on "the subject? I have already told you what passed. I pointed out to the Lord "Chancellor what occurred to me on the certificate. I told him I was dissatis-"fied with the medical certificate, but his Lordship on reading the petition, and "the affidavit, and the medical certificate, thought that coupling them together, "there was sufficient to justify him in making the order"?—I have no recollection of that. It is very difficult for me to take upon myself to say that that is incorrect, seeing the number of things that pass through my mind; but my strong impression is that I had no observation made to me about the certificate, because I never could have approved of the certificate if I had seen it and weighed it deliberately.

3366. I presume your Lordship was not aware that Mr. Miller had himself prepared that petition and affidavit?—No; I had no knowledge of that; I am very much surprised at it. Mr. Miller could not have had the smallest possible interest in getting Mr. Wilde to resign. I am quite surprised at finding what has occurred. Mr. Miller has never in his lifetime either solicited from me the appointment of any person, or in any way whatever sought to induce me to appoint any person to any place, or to dispose of any patronage, except that from good and kind feeling towards myself, he entreated me not to insist on the dismissal of my son, and was very anxious that he should be permitted to be appointed to some other situation, but in any other respect he has never asked for a clerk or an officer any description of patronage, and he could not have had the smallest interest, or to my knowledge any motive for acting in this manner with respect to Mr. Wilde.

3367. Mr. *Vivian.*] Your Lordship is probably not aware of the disagreement or quarrel that occurred between Mr. Wilde and Mr. Miller?—Not the least; I never heard of it; I never heard it suggested.

3368. Mr. *Bovill.*] Did your Lordship have any interview with Mr. Welch before or about the time of his appointment?—I never saw him in my life, as far as I know; I do not remember ever to have had any interview with him.

3369. Or made any inquiry about the health of Mr. Welch?—Not the least.

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3370. Had your Lordship any knowledge that Mr. Welch had lent money to Mr. Bethell before this appointment was made?—Not the least.

3371. If your Lordship had been aware of it would the appointment have been made?—It is difficult to say what I should have done, but I think I should not have appointed him; I never heard anything of the kind until after these proceedings took place.

3372. Was your Lordship aware of any advance of 500 *l.*, or of any subsequent advances or payments of money, by Mr. Welch to Mr. Bethell?—No; I never heard of it until after these matters were spoken of.

3373. The *Lord Advocate.*] Does you Lordship find it difficult to obtain suitable men for those appointments of registrarships; are they much sought after?—No, I do not find any difficulty, though it has sometimes happened that I have offered a registrarship to two or three persons in succession, and it has been refused. A case of that kind occurred recently. I think it was Mr. Payne's registrarship, one of these registrarships at Leeds; certainly not the one resigned by Mr. Welch, because that was required to be filled up immediately: but, if I recollect rightly, when Mr. Payne's became vacant I offered it, I think, to two gentlemen, and then ultimately gave it to Mr. Stephen, whom I had never seen in my life; but whom I selected merely because of the merit of his father, Mr. Serjeant Stephen, and of his own merit in editing the book, in connection with which his name is known; he was in the situation also of professor at King's College, and I gave him the appointment, which he accepted, wholly on public grounds. I offered one of the registrarships at Leeds to Mr. Stonor also, and he declined it. The registrarships in the country are certainly not so acceptable to the bar as those in London, of course.

3374. Mr. *Bovill.*] Would your Lordship prefer now to proceed with your statement, or to answer any questions?—If you please, I will state the other matter which is the subject of your inquiry; that is, if I understand it rightly, the allegation that I appointed, or desired to appoint, or intended to appoint (I do not know in what manner it is put), my eldest son to the office of registrar at Leeds.

3375. Mr. *Edward Egerton.*] This is the order of reference (*handing the same to his Lordship*)?—"The appointment of Mr. Welch to the said office"—that we have gone through, "and whether he was to resign his appointment in favour of "the Honourable Richard Bethell"—that I positively deny; it never entered into my mind, "and to receive another appointment in London." I think I had better tell you the whole of the circumstances, painful as they are. In the month of May 1864, I received from one of my daughters-in-law a letter, in which she enclosed a letter from my son to his brother, and it stated that he had lost a very large sum of money indeed on the turf; that came upon me in an overwhelming manner, and I wrote immediately to Mr. Miller, because I felt that it was impossible that he could do his duty; and it was also stated to me that he had neglected his duty, and I wrote to Mr. Miller a letter, in which I insisted that he should be immediately compelled to resign; I required the resignation to be sent to me the next day. Mr. Miller was at that time, if I recollect rightly, confined to his bed with gout; he wrote me a letter in a very proper tone, and in a very kind spirit; he begged that he might be allowed to make arrangements, and that I would not carry into effect any determination with regard to my son. I was certainly under the impression that he could not by possibility have acted in the manner in which he had done, or carried on his proceedings without neglecting his duty, and a number of tales were brought to me about it; and I, therefore, was very firm in my determination, that I would hear of nothing but his resignation: I probably should not have acted in the same manner with regard to a stranger. With regard to him, I was determined so to act, because I thought it would be a reproach to me if I permitted him to continue. The consequence was that, within a few days, his resignation was sent, and from the time of my receiving this imputation upon his conduct until now, I have never seen him, nor have I had any communication with him, except that on one occasion when he had a son born; when his wife was confined; he wrote me a very proper letter announcing that event. He went to Paris, I think, and I had formed a firm determination never to appoint him to any office. But in the month of February, of the present year, his friends surrounded me, and his wife wrote to me, and I ascertained that there was no reproach attaching to him on the ground

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that he had neglected his duty; I found that it was a false imputation. I was then entreated to give him some appointment, provided he got a release from all his creditors. What I said upon that occasion was this, that I would make no promise, but that I would consider the matter when the release was obtained. Some suggestion was made to me at the time (I think it was by my son's wife, my daughter-in-law) that he might have an appointment to a registrarship in the country. I made no promise, neither did I give any encouragement to it. This was some time, if I recollect rightly, in the month of February in the present year. Information then reached me that there was so little hope of his being weaned from these courses, that I found he had pursued the same thing at Paris. I then sent for Mr. Skirrow, and I begged him never to mention the subject to me again, for that I had determined never to appoint him. I am now told, but of that I had no knowledge, that in consequence of the manner in which I had received his wife, or his wife's letters, his wife gave him some encouragement to hope that, if an arrangement was made with his creditors, I might appoint him to Leeds. The consequence was, that he was induced, I believe, to go down to Leeds upon that encouragement, and to act in the manner that you have heard. All that was unknown to me, and when I found from the information I received, that there was no hope of his getting rid of these temptations to go upon the turf again, I made the communication that I have stated to you to Mr. Skirrow.

3376. Mr. *Bovill.*] There are one or two matters that I should like to ask your Lordship a question or two upon, with reference to what has passed before the Committee; of course your Lordship is not aware of what has taken place here?—No.

3377. If Mr. Bethell made any representations to his creditors that he was to put on one side 1,200 *l.* or 1,400 *l.* a year out of the emoluments to be derived from certain appointments in the House of Lords, was that with your Lordship's knowledge, sanction, or approval?—Most decidedly not; I remember very well that some person, I forget who, pressed me to appoint him to Mr. Edmunds' place, which I met by a most determined refusal ever to entertain any such idea.

3378. Was your Lordship aware of Mr. Bethell ever having made any such representations to any of his creditors?—Not in connection with any appointment to be received from me. Certainly not.

3379. Was your Lordship aware of Mr. Bethell going down to Leeds at the time he went, or of his being there?—No, not at all.

3380. Or of any change being contemplated, or any exchange being spoken of, by which Mr. Welch was to come to London, and Mr. Bethell to go to Leeds?—Not at the time; I heard of it afterwards; but I heard nothing at the time.

3381. Did your Lordship ever say to any person that Mr Welch had been appointed to London, and Mr. Bethell to Leeds?—No.

3382. Has your Lordship ever either said so, or authorised any other person to say so?—Certainly not.

3383. Did your Lordship ever give any directions for any order, or draft order, to be made out for the purpose of appointing Mr. Bethell to the London registrarship, which had become vacant by the resignation of Mr. Slingsby Bethell?—Certainly not; never.

3384. Did your Lordship hear from Mr. Miller of his having drawn out such an appointment, and having had it engrossed?—I heard of it since this inquiry has taken place; never before; I was astonished when I did hear of it. But Mr. Miller has, from no other motive I believe than a kind motive, on various occasions solicited me to consider the propriety of appointing my son, pressing upon me that I had treated my son with more severity than I should have done another person. I am ashamed to have exhibited any emotion or weakness, but it is hardly possible for me to speak of these things without doing so.

3385. This evidence having been given by Mr. Miller, I thought it right to draw your Lordship's attention to it; it is Question 469: "Now having, as you "state, asked the Lord Chancellor for the first London vacancy for Mr. Richard "Bethell, you went so far as to make out the appointment? The Chancellor "told me that he should consider my application on behalf of Mr. Richard "Bethell, and after considering for a few days he refused.—On what grounds "did he refuse? He told me that he felt that he really ought not, taking all

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"the circumstances into consideration, to re-appoint him; and then I destroyed "the order which I had prepared.—From your statement, I presume that the "Lord Chancellor was very decided, that it was not fit that his son should be "appointed a Registrar? I presume so.—No doubt was left upon your mind "as to the decision of the Lord Chancellor on the subject; first as to insisting "on his resigning, and next that he should not be appointed again. He felt "that he ought not be appointed, and expressed that opinion in clear terms to "you? Yes.—So that it was on two occasions, first as to the resignation, and "next as to the re-appointment? He took a week to consider of it, or nearly "a week; and at the lapse of that time, instead of signing the order, as I "was in hopes he would have done, he peremptorily refused; he said, "'No, I cannot make up my mind to appoint him.'" That was the order proposing to reappoint Mr. Bethell to London. "That was on what date? It "must have been somewhere between the 20th and the 25th of February last." That was the statement of Mr. Miller. I do not know whether your Lordship wishes to add anything more upon that?—I have no distinct recollection of those circumstances occurring; but it is very possible, I dare say, as Mr. Miller states it, that he might have applied to me on the occasion of the vacancy in London to appoint my son; and it is possible that I told him I would consider it; but certainly I had determined in my own mind never to appoint him to any vacancy in London; and the only thing I did say I would consider was this: that if he could get thoroughly released from his creditors, I would consider whether I could with propriety appoint him to an office in the country. I did hold out some expectation that I might be induced to do if he arranged with his creditors, but when I heard what I have already stated as having occurred in Paris, I determined that nothing should induce me to appoint him to any office, and I sent for Mr. Skirrow and stated that to him in the firmest possible manner. I am bound to say with regard to my son, that the only ground on which I proceeded was this, that he had incurred debts and led such a course of life that I could not believe he was fit for any public office, and that it would be discreditable to appoint him whilst he was under the pressure of such difficulties. And on that ground, and on no other ground, for he is a man of great intelligence and great ability. I peremptorily refused to appoint him to any office. But when Mr. Welch was appointed, at that time I had refused even to think of appointing him to anything, and it was not until February in the present year, and when I was solicited in the manner I have described to you, and when I was told that there were some expectations that he would get released by all his creditors, then, and not till then, did I state that I would consider the propriety of appointing him.

3386. Was your Lordship at all aware of any appointment having been drafted or copied, appointing Mr. Welch to London in the month of February?—No; I never heard of it until after these matters came out.

3387. Or sanction it?—Nor sanction it in any way.

3388. Or the making out of any appointment transferring Mr. Welch to London, or Mr. Bethell to Leeds; in fact I think I put that just now?—No, never.

3389. Would Mr. Miller have any power or authority to make out any such appointments without directions from your Lordship?—None whatever. Mr. Miller may have hoped to induce me to sign an appointment, and I have no doubt he prepared it with that view. He had no authority of any kind. Indeed the subject had never been mentioned to me.

3390. Had your Lordship been pressed at all to appoint Mr. Bethell to Leeds and Mr. Welch to London?—Yes; at least I cannot say to appoint him to Leeds. I had been pressed very much by my daughter-in-law to appoint my son to an office in the country, and I had been also very much pressed by a gentleman who has long had great personal attachment to me, Mr. Skirrow, and who is greatly interested in every member of my family. I do not remember having been pressed in any other quarter. I am speaking now of the early part of the present year.

3391. When was your Lordship first aware of Mr. Miller having prepared and procured to be engrossed the appointment of Mr. Welch to London and Mr. Bethell to Leeds?—I never was aware of it or heard of it in any manner until after public attention was called in the House of Commons, by Mr. Ferrand, I think, to this subject, and then upon inquiry, I heard of that fact.

3392. Mr.

3392. Mr. Miller has given an account of this, to which I will call your Lordship's attention, in yesterday's examination, at Question 3031: "When did you "destroy them"? (these were the engrossments of the two appointments). He says, "Immediately I found that the Lord Chancellor did not intend to make "the appointments.—Will you state what passed between you and the Lord "Chancellor after you had seen Mr. Skirrow? I told the Lord Chancellor that "I had been informed by Mr. Skirrow, that his Lordship intended to transfer "Mr. Welch from Leeds to London, and to place Mr. Richard Bethell at Leeds; "and I asked him whether he had made up his mind to do this. He said, 'Mr. "Miller, I have made up my mind to make no appointments at all; I will make "no appointments;' I asked his Lordship upon that occasion, 'Will your "Lordship fill up the London vacancy?' He said, 'I will not fill up any "vacancy at present,' and the vacancy in London still remains"?—I must have used the singular number, not the plural: "I will make no appointment." The only vacancy was the London vacancy; I positively refused to make any appointment to it. The transfer of Mr. Welch was to be effected, I suppose, by appointing him to that London vacancy. I have no doubt that altering the word "appointments" to "appointment," this is correct.

3393. *Chairman.*] There would have been two appointments?—Yes, successively, but then if the first appointment was not made to London, there would have been none to fill up at Leeds.

3394. The *Lord Advocate.*] There would have been two, if you had transferred one of the country registrars, not otherwise?—Yes, certainly, in that way, as the Chairman observes, it might have been so.

3395. Mr. *Bovill.*] Do you remember any application by Mr. Miller, or any conversation with him as to Mr. Welch being appointed to London, and Mr. Bethell to Leeds?—No, I do not remember anything of the kind.

3396. Nor any statement being made to any person that Mr. Welch was appointed to London, or Mr. Bethell to Leeds?—No, certainly not; none to my knowledge.

3397. And none authorised to be made?—None authorised to be made. My son would know that.

3398. We have had a statement made to us with reference to some expressions used in letters that have been written, upon which it appears to be necessary to ask your Lordship a question?—I am most happy to answer any question.

3399. Has your Lordship ever given Mr. Skirrow reason to suppose that you would be willing to appoint Mr. Bethell to Leeds, and Mr. Welch to London?—Mr. Skirrow was the gentleman who solicited me to appoint my son to an office in the country. Two places, I think, were mentioned to me by him on that occasion; one was, I think, Leeds, and the other, I think, was Bristol. I never told Mr. Skirrow anything more than this, that if my son succeeded in getting released from his creditors, I would consider the matter. I wish to give you the fullest possible answer; will you direct me to the passage in the evidence?

3400. I think it is sufficiently met. The matter stands thus: Mr. Miller has stated that he prepared these orders in consequence of something that was communicated to him by Mr. Skirrow, and Mr. Skirrow says that he never communicated anything of the sort, and therefore in this state of the matter we were desirous of knowing what your Lordship's statement was as to whether any authority or directions had been given either to Mr. Skirrow, or to anybody else?—The fact was this: Both Mr. Skirrow and Mr. Miller, and my daughter-in-law, were all most anxious to press and prevail upon me, and I have no doubt they did several things in the hope that I should be ultimately induced to appoint him. I have no doubt that my son was led to do and to say many things in the hope—I do not know that I ought to say of committing me, but yet, at the same time, of producing a state of circumstances that would almost compel me, to make the appointment. I cannot account for these things in any other way; but I am quite confident that Mr. Skirrow never could have done any such thing. He never could have directed Mr. Miller to prepare the orders, I am quite sure. If Mr. Miller prepared the orders, he did so out of regard for my son, and simply in the manner in which he has always acted. He has always taken the liberty, whenever he could do so, of stating to me in a very proper manner that he thought I had acted with undue severity towards my son, and

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he was always anxious to prevail on me to give him something by way of reparation of what he thought was a severe and unjust sentence, so far as it was founded on his supposed neglect of duty.

3401. *Chairman.*] I may mention to your Lordship, that we have Mr. Miller's letters to your Lordship upon the principal occasion?—I believe they are all to the effect I have mentioned.

3402. Mr. *Edward Egerton.*] Begging you to pause a little, and suggesting that you were dealing rather harshly with your son?—That was the feeling he always expressed.

3403. And saying that there was no neglect of duty in his office?—Yes.

3404. Colonel *Pennant.*] There was an uncertainty in the language used by Mr. Skirrow, which induced Mr. Miller to get these orders made out, as we understood?—He never could have given any authority, but Mr. Miller could have acted from no other motive whatever than a feeling of kindness towards me, and kindness towards my son.

3405. Mr. *Edward Egerton.*] When was your Lordship first made acquainted with Mr. Bethell's going down to Leeds. I suppose it was brought to your Lordship's knowledge that he had gone down to Leeds, and represented himself as likely to fill the office there?—That may be. I think it must have been the end of February or the beginning of March.

3406. You were not aware of his intention to go to Leeds?—Not in the least; certainly not at all.

3407. You were not told of his being in treaty for a house at Leeds?—No; not until after I had positively refused to appoint him to any place.

3408. I do not think your Lordship has stated when it was that Mr. Miller mentioned the fact of his having made out these orders?—He never mentioned them to me at all.

3409. He led the Committee to suppose that he acquainted your Lordship with them a day or two afterwards?—He never mentioned to me that he had prepared them.

3410. If your Lordship will look at Question 491, you will see that he states there positively that he did mention it?—He says, "It could only have been "a day or two."

3411. That leads to the impression that he had mentioned it?—He never mentioned it. I have no doubt that my son entertained a sanguine hope that it would be done; Mr. Miller, I dare say, joined him in the feeling, and it was shared also by Mr. Skirrow.

3412. Your son was aware, of course, of the friendly feeling felt by Mr. Skirrow towards him?—Perfectly; he has very great reason to be indebted to him.

3413. The *Lord Advocate.*] Can your Lordship let us see the letter-book which you referred to, with Mr. Welch's name in it?—My secretary has the book. When I first entered on my office, I directed that an appointment book, as it is called, should be kept; my son was then my secretary, and that was kept with great regularity, both by my eldest son and by my second son; but when there was a change of secretaryship, and Mr. Pepys was appointed my secretary, the book was not kept with the same regularity. This is the book (*producing a book*); you will have a notion from that of the applications made to the Lord Chancellor. Somewhere or other in that book is the application made by Mr. Welch in the year 1862, I think. This is a book which has not been kept so accurately (*producing another book*). Here is April 1864; "P. R. Welch, patronage bank-"ruptcy registrarship at Birmingham." Then here is another on the 21st of May, just under another entry as to patronage, "P. R. Welch, ditto." This is not kept so accurately as the first book.

3414. Mr. *Edward Egerton.*] This book is very well kept?—That first book was kept by one of my sons.

3415. *Chairman.*] There is one question that I was about to ask, which rather bears upon this very subject, namely, whether your Lordship remembers the appointment of Mr. Welch to the registrarship at Leeds on the 30th of July 1864?—Yes; the very day that Mr. Miller brought me Mr. Wilde's resignation.

3416. Was that appointment made by your Lordship simply from your own examination of the names, and knowing who had applied, and what their recommendations were, or was it on the application of any other person?—It must have been upon my own recollection and knowledge. You see I knew that there must

must be a vacancy at Leeds, because of the circumstances affecting Mr. Payne; at least I thought it probable that there would be a vacancy at Leeds, and I had been desirous of appointing a barrister from the Northern Circuit; consequently, when Mr. Miller brought me the resignation of Mr. Wilde, and told me (which was a very unusual thing) that it was necessary to fill up the office immediately, from the circumstances that I have mentioned to you, I had present to my mind the fact that the gentleman who had been most strongly recommended to me was Mr. Welch; he was on the Northern Circuit, and at once, from my antecedent knowledge, I either wrote the name myself in the appointment that I signed, or directed Mr. Miller to fill in the name and give it to him immediately. The resignation came to me by surprise. I had no reason to expect it, and therefore it was done immediately.

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3417. The *Lord Advocate.*] The entry of Mr. Welch's name in that book is the 21st of May, I think, in the last book?—I am told by my secretary that it is immediately under the 21st of May. These books are kept in the secretary's office.

3418. The entry refers to the Attorney General, "Northern Circuit sent "several testimonials"?—Yes; and the Attorney General of the County Palatine, also sent a recommendation of Mr. Welch; in fact, as Mr. Baron Martin observed to some gentleman who told it to me, the recommendations I have received of Mr. Welch may be considered as comprehending the whole of the Northern Circuit.

3419. Mr. *Edward Egerton.*] The testimonials were very high?—Yes; and they were from a great many gentlemen.

3420. All the leaders of the circuit, in fact?—Yes.

3421. The *Lord Advocate.*] Your Lordship was not aware, I presume, that Mr. Welch had been in the habit of lending money, either to your son or anybody else?—I had not the least knowledge of it. Indeed, my son had never pressed upon me Mr. Welch's name with any particular feeling, or made a particular request on his behalf. No doubt, originally, he mentioned to me Mr. Welch as a gentleman whom he was friendly with.

3422. At the date of this 21st of May, and from that time to the 30th of July, you had no communication with your son at all?—I never saw my son since the day on which I wrote that letter dismissing him from his office, nor have I had any communication with him except the letter which I have stated to you, which was on the occasion of the birth of one of his sons.

Henry Sedgwick Wilde, Esq., again called in; and further Examined.

3423. *Chairman.*] I HAD, I believe, asked you, generally, to make such further statement as you might think right; upon that, a question arose in the Committee. The Committee have considered the matter, and they now decline to go into any of those further questions which you were about to raise?—Of course I bow with most respectful submission to anything that falls from the Chairman, in obedience to the wishes of the Committee; I would only ask now whether they would hear me with reference to one or two questions connected with the particular charges.

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3424. Those are the questions which we decline to enter into?—I thought, with regard to this evidence which is now before the Committee, that there was something so very strongly observable upon the evidence itself, that I should have been in order if I had ventured to make some observations upon that evidence. The Committee having treated as evidence this Parliamentary Paper containing the correspondence, I thought, being affected by it, that I might make some observations in reference to it.

3425. Those are the very questions that we decline to enter into; any explanation of your own evidence which you have given on any former day we are willing and anxious to hear?—I would venture then just to make this observation; I cannot help thinking that some of the witnesses will stand, when their testimony comes to be weighed, in rather a disparaged position, because some of the witnesses previously to being examined, had had the advantage of a private interview with one of your members, while others had not; therefore I say that the testimony of those who have not had that advantage——

3426. I do not think that that is a proper statement to make before the Committee?—I should be very sorry indeed to have made any observation

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which was not in order. It is true. I understood that it was acknowledged that, from the Lord Chancellor downwards, the persons who are enjoying at present the confidence of the Lord Chancellor had had the privilege of a private conversation with one of your Members, not of the voting Members, but with the Lord Advocate. Therefore when you come to examine the testimony, the evidence of some witnesses may not be so correct as the evidence of those who have had that privilege, and it is only fair to them to state such fact.

3427. With that observation I think your evidence must close, unless you have any remarks to make upon your own evidence, in explanation of any mistake you have made, or any misstatement or any inaccuracy?—I would say also that I was asked condescendingly by the Lord Advocate what I meant with reference to an expression I made use of, "The abuse of judicial power," and how I considered myself to be damnified by that supposed abuse. In the first instance, I would say then, with great respect, that I consider the evidence I have given would be affected very much in the minds of the Committee when they remember that from the 9th of June, or rather the 24th of May (because I had no letter, as I say, upon the 9th of June) down to the 26th of July, I had no correspondence with the Chief Registrar or the Lord Chancellor, as to their opinion of the statement I had sent in. Upon the 30th of May, I sent in my statement; upon the 24th of May, I was told that unless I sent in my explanation within a week, I should be called upon to resign my office. As I say, I had every reason to believe that, as it was stated, an alternative was put before me, as to whether the statement that I did send in should be considered satisfactory and exculpatory or not. Therefore, up to the 26th of July, I necessarily supposed, not having heard to the contrary that the statement which I had sent in was favourably received, whereas, on the 26th of July, I received that extraordinary letter which demanded my instantaneous resignation, or rather informing me that in course of post I was to make up my mind either to be allowed to retire, or show cause in open court why I should not be dismissed.

3428. It did not ever occur to your mind that the explanation of the 30th of May was unsatisfactory to the Lord Chancellor?—No, I think not.

3429. It did not?—No; it appeared to me that in the interval between the 30th of May and the 26th of July, not hearing anything and not knowing that anything else was sent in condemnatory of my conduct, I had reason to infer most undoubtedly that it had been considered satisfactory, and I was very much surprised indeed when I found on the 26th of July that my conduct or my explanation was not found satisfactory.

3430. You had also been examined on the 31st of May, had you not?—By Mr. Commissioner Ayrton; that was the very examination that I complain of. I say that the mode in which I was examined, and the way in which the evidence was obtained, was, I thought, the most unfair thing that could possibly be; it was in reference to that that I wanted to make an observation. I was examined first of all myself; I made a statement——

3431. I think you are going beyond your limits?—I do not wish to do anything that the Committee think I ought not.

3432. We think we have given you every latitude; we have allowed you to make some observations which, strictly speaking, you would not have been allowed to make?—I am sorry if I have made any observations that I was not intended to make by the Committee; the only observation I wanted to make was, that I was not confronted with Mr. Needell upon a particular point most material, and he was a man who was shown upon the evidence to be not a man of truth by his own statement.

3433. I would ask you, in conclusion: you will remember that I made some observations respecting your having had an offer of a full hearing before the Lord Chancellor: I think I used an expression of that kind, do you remember it?—No, I do not remember it.

3434. Is it not quite clear that you had an offer of a full hearing, by the letter of the 26th of July?—Yes; but I say in reference to that letter, that the judgment was, as I considered, predetermined.

3435. As a matter of fact, you determined to avail yourself of the alternative, by sending in your resignation?—Yes, by the advice of my friends.

Jovis, 15° *die Junii*, 1865.

MEMBERS PRESENT:

Mr. Edward Egerton.	Colonel Douglas Pennant.
Mr. Evans.	Mr. Vivian.
Mr. Howes.	

The Lord Advocate.

EDWARD HOWES, Esq., IN THE CHAIR.

Mr. *James Poingdestre*, called in; and Examined.

Mr. *J. Poingdestre.*

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3436. *Chairman.*] DID you serve a summons, which was issued on Monday, for the attendance of the Rev. Mr. Bartlett before this Committee?—I did. I think it was on Tuesday; it was for him to attend forthwith.

3437. It was a summons for him to attend forthwith?—Yes.

3438. When did you serve that?—I served it the same day; about a couple of hours after I received it, I think.

3439. Did you see Mr. Bartlett?—I did not.

3440. You did not serve it personally upon him?—I did not; he was not at home, neither was Mrs. Bartlett in the house.

3441. You left it with a servant?—I left it with a servant, and I understood from her that he would be home in the evening. I then stated that as he would not be able to attend on that day, as the order was for him to attend forthwith, he should attend the next day at 12 o'clock; I was not aware that you met at 11; in point of fact, you did not meet till two o'clock on the following day.

3442. The *Lord Advocate.*] Did you ascertain from the servant that he had been in the house that morning?—I understood that he had left that morning for town.

3443. And was to be back in the evening?—Yes, and that he was to be back in the evening.

John Fisher Miller, Esq., called in; and further Examined.

J. F. Miller, Esq.

3444. *Chairman.*] THERE are a few questions which I will put to you in the absence of Mr. Bovill. Was it on the 29th of July that you showed Mr. Wilde's petition, affidavit, and certificate to the Lord Chancellor?—On the 29th of July.

3445. I ought to tell you that the Lord Chancellor in his evidence, which he gave yesterday, differs considerably from you in his representation of that transaction; will you look at Question 3360 of the evidence. "When Mr. Miller "presented to you the petition, the affidavit, and certificate, did he call your "Lordship's attention to anything particular about the certificate? No, he did "not; he laid it before me, and it was my duty to have examined it"?—I am certain his Lordship is wrong here.

3446. Will you look at the next question?—"Did he call your Lordship's "attention

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" attention to the point as to whether it was a satisfactory or an unsatisfactory " certificate? I do not remember that he did so; but he certainly laid the " petition, the affidavit, and the certificate before me."—I certainly did draw his Lordship's attention to the certificate.

3447. Will you read on through the whole of that page?—(*After reading the evidence*) I adhere to the answers I gave in this respect, and I quite agree with the Lord Chancellor here. His Lordship says, " I have no recollection of that. " It is very difficult for me to take upon myself to say that that is incorrect, " seeing the number of things that pass through my mind." It can hardly be expected that the Lord Chancellor would remember all these circumstances. And I may mention another thing. I remember that in the case of Mr. Waterfield, a registrar at Birmingham, who had petitioned about a month before this time, I was dissatisfied with the medical certificate in that case also. I think if you refer to my letter-book you will see there a letter from me to Mr. Waterfield, in which I told him that I was dissatisfied with the certificate, but would bring the matter before the Lord Chancellor. In that case the Lord Chancellor acted in the same way. I brought to his Lordship's notice the defect, as I thought, in the certificate, but he thought, taking the petition, the certificate, and the affidavit together, and considering all the circumstances, he was justified in making the order.

3448. Mr. *Edward Egerton.*] The Lord Chancellor told us yesterday, that in the case of Mr. Waterfield no pension was granted?—Then his Lordship must have made a mistake. It was the case of Mr. Wilson in which no pension was granted.

3449. Was that a Birmingham case also?—That was a Birmingham case. Mr. Wilson asked to be allowed to retire on a pension, but the Lord Chancellor said, " In this case I must have an unconditional surrender of the office." His Lordship was quite right in what he said; there was a case at Birmingham in which an unconditional surrender was demanded.

3450. *Chairman.*] At what time and where did you see the Lord Chancellor upon this occasion?—It was at his Lordship's residence in Hyde Park Gardens.

3451. Will you look at the next page, and turn to Question 3367; the question refers to a disagreement between yourself and Mr. Wilde?—Yes; if you will allow me to refer to my letter-book that will explain it.

3452. You were asked something about that on a former occasion?—I was, and was about to explain it when Mr. Bovill said that it was unnecessary.

3453. This question and answer render it rather desirable that you should state what the disagreement was?—It was about some proofs of debt in a bankruptcy at Leeds; but I have the letter-book, and I will read the letter which was sent to Mr. Wilde. This letter is dated the 10th of June 1864, and addressed by me to Mr. Wilde.

" Dear Sir,

" On the 4th instant you forwarded to Mr. Keene an affidavit of debt in a matter made by one John Bentley, with a request that it might be put on the file of proceeding 'if he should see fit'; and by the same post you forwarded to him another affidavit by the same person, with a memorandum appended to it in the following words: 'the proof deposited in court by Messrs. Bond & Co.'s clerk, the 3d June 1864.' Anything more irregular I cannot conceive; the case is before the Lord Chancellor on appeal; these proofs have never been admitted; they do not appear to have been exhibited at any meeting of creditors or sitting of the court, and how you should imagine that Mr. Keene has power to deal with them is to me a mystery. The Lord Chancellor directs me to say that he is very much surprised at all this irregularity; I return the affidavits, and the two bills of exchange appended to the first of them.

" Yours, &c.

" *J. F. Miller.*"

Unfortunately I have not his answer here; I had it here on a former occasion, but I will furnish that answer. My next letter on that same affair is dated the 14th of June 1864. It runs thus:—

" Dear

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"Dear Sir,

"I have yours of yesterday, and can only say that your own good sense must tell you that no affidavit of debt ought to be placed on the file, either as a proof or as a claim, without being first so marked, either by a Commissioner or a Registrar; and that under no circumstances could I have dealt with the documents you forwarded to me. You now tell me that you 'refused to admit one of the proofs, and were requested by the solicitor tendering it to forward it, in order that the Lord Chancellor's opinion might be had on the subject.' This is even still worse. The appeal from the decision of the Registrar is to the Commissioner, not to the Lord Chancellor.

"Yours, &c.
"*J. F. Miller.*"

Then my next letter is dated the 16th of June. Mr. Wilde had, in the meanwhile, written me a letter which I considered very offensive, and I now commence the next letter, "Sir,"——

3454. Have you that letter?—I have it, but I have not got it here; I will produce that letter to the Committee. In my letter of the 16th of June I address Mr. Wilde, "Sir;" that is the first occasion on which I so addressed him,—

"Sir,

"I am in receipt of your letter of yesterday, and not only disapprove of the tone in which you write to me, but deem it to approach closely to insult. Having refused to admit the proofs, all you had to do was to return them to the solicitor, and leave him to apply to the Commissioner. I will only add, that the reason given by you for refusing to admit the proofs, namely, 'their not having been presented to you at a meeting for proof of debts,' is in conflict with Sections 144 and 146 of the Bankruptcy Act, 1861.

"I am, &c.
"*J. F. Miller.*"

That, I presume, is the cause of Mr. Wilde's feeling some enmity towards me; I assure the Committee I have none towards him.

3455. There was no feeling on your part against him?—None in the world; on the contrary, as I told the Committee, I endeavoured to save Mr. Wilde from public scandal, and endeavoured to save the Lord Chancellor from a very painful hearing, but as to enmity or ill feeling towards Mr. Wilde I have none now, nor did I ever have any; I felt that the letter he had written to me was very offensive no doubt, and answered him in this way, but as to any enmity or ill feeling towards him I had none, and as a proof of that, I may remind you that I prepared his petition, and put him in the way of avoiding this scandal, I may tell you that so little do I know Mr. Wilde, for I only saw him three times, that when he was in the lobby the other day, when I was sitting there with Mr. Commissioner Ayrton, I did not know him when he walked up; he walked up to us, and returned, and I said, "Who is that?"

3456. You have made your own statement respecting the letter of the 26th of July 1864, in which you say you conveyed the Lord Chancellor's instruction that Mr. Wilde should have notice to appear in court?—Yes.

3457. Will you read the Lord Chancellor's evidence with respect to that letter, in answer to No. 3326, and several following questions?—(*After reading the evidence.*) This is quite consistent with what I have already stated, that the latter part of that letter was my own, that I wrote it from a mere act of kindness towards Mr. Wilde; I had no instructions from the Lord Chancellor to write such a letter,

3458. Colonel *Pennant.*] But the expression with regard to requiring an answer by return of post, is not in the latter part of the letter, I think?—No; it is in the first part of the letter.

3459. *Chairman.*] You see that the Lord Chancellor expresses astonishment that such words should have been used?—I so understood the Lord Chancellor's instructions to me.

3460. Mr. *Edward Egerton.*] Have you read what the Lord Chancellor says about

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about it in his answers to Question 3326 and the following questions?—I cannot remember what he says here.

3461. *Chairman.*] What cannot you remember?—The Lord Chancellor says here, "I can only explain it in this way, that when Mr. Miller pressed me to let "him give Mr. Wilde a notice that he should appear before me (and the purpose "that I had in that was that I might have a public hearing of this matter, think- "ing that it might operate very much to the benefit of the public by showing "what those proceedings had been, and by preventing irregularities in future). "Mr. Miller certainly told me that Mr. Wilde was, as he understood, in a state "of bad health, and was desirous of retiring. And now, seeing these words, I "infer that there had been some antecedent communication between Mr. Wilde "and Mr. Miller on the subject. I cannot give you, from my knowledge, any "further explanation." I think his Lordship must be right, and that I must have told him what I had heard as to the state of Mr. Welch's health, just as in Mr. Payne's case.

3462. Colonel *Pennant.*] If you look at Question 3326, you will see that that question is, "I think the Committee would like to have some explanation with "reference to this gentleman being called upon by this letter to send an answer "in course of post?" The answer is, "I cannot give you any explanation; I "never saw the letter; I am extremely astonished to find a letter in such "language"?—Yes.

3463. Mr. *Edward Egerton.*] You state that the first part of that letter was written in consequence of instructions from the Lord Chancellor?—Yes.

3464. The second part you added yourself?—Yes.

3465. It now turns out that the Lord Chancellor never gave you such instructions?—The Lord Chancellor has no recollection of it.

3466. Are you in the habit of calling upon a man to tell you, by return of post, whether he will resign, or show cause?—In this case the matter had been going on for a considerable period. The first letter to Mr. Wilde, transmitting the reports and examinations by Mr. Commissioner Ayrton and Mr. Harding, was the 16th May, and it had been going on from that time, therefore it was not any very sudden demand.

3467. *Chairman.*] You are prepared to say now, upon consideration, that, to the best of your recollection, you considered that you were carrying out the intention of the Lord Chancellor in writing that letter of the 26th of July?—Certainly.

3468. Colonel *Pennant.*] Will you let me call your attention to Question 208 in your evidence. The question there is, "Let me again call your atten- "tion to the first paragraph of the letter of the 26th of July. 'It grieves me "much to inform you that, unless I hear in course of post that you mean to "apply to be allowed to retire.' What is the meaning of that; is it to retire "with a pension or without a pension, or what?" Then your answer is, "That "was the instruction given me by the Lord Chancellor"?—That is so.

3469. The next Question, No. 209, is, "Those very words were given you "by the Lord Chancellor." The answer is, "Yes." Do you still adhere to that answer?—I adhere to that answer. My instructions from the Lord Chancellor were, "Intimate to Mr. Wilde that he must retire, otherwise you must serve "him with notice to appear and show cause in open Court why he should not "be dismissed."

3470. *Chairman.*] From your own recollection, are you able to say, with positive certainty, that the Lord Chancellor used the word "retire," and not "resign"?—Certainly he said "retire." I think so.

3471. Your attention was just now called to your own answer to Question No. 208?—Yes.

3472. Will you read the question and answer, 3329, in the Lord Chancellor's evidence?—I see them; I still adhere to the answer that I gave.

3473. Will you look at the end of the Lord Chancellor's answer to Question 3331?—(*After reading the evidence.*) When his Lordship speaks of "any communi- "cation," I think he must mean any communication upon the subject of a pension. His Lordship says "Nothing in the world passed between me and Mr. Miller on "this occasion which gave him any kind of authority to represent anything to "Mr. Wilde, or to make any communication to Mr. Wilde from me on the subject "of his retirement." I think his Lordship must mean retiring pension.

3474. The *Lord Advocate.*] If retirement means retirement on a pension, then his

his Lordship was right, according to your view?—Yes; I have fairly given the Committee my recollection of what took place.

3475. *Chairman.*] Will you look at the end of the Lord Chancellor's answer to Question 3333, beginning "Now, it occurs to me, that it is just possible"?—I should like to read the whole of that question and answer (*reading the evidence*). I see the word "quit" in my answer; I do not think I ever used the word "quit;" I think the word I used was "retire;" I find here that the Lord Chancellor's statement is quite in accordance with what I have already said about the case of Mr. Wilson. "In the case of another registrar at Birmingham, "I think a gentleman of the name of Wilson, who certainly was guilty of great "misconduct what I said with regard to him was that certainly I should dismiss "him unless he resigned, but that I would accept his resignation."

3476. It was the latter part of the answer that I directed your attention to, beginning "Now, it occurs to me that it is just possible"?—This does not appear to me to be inconsistent with what I have said. The passage is, "Now, it occurs "to me that it is just possible that I might have said to Mr. Miller in conversa-"tion, unless he resigns I have no other alternative than to bring him into "court."

3477. You observe the word is "resigns"?—Yes, I observe it is.

3478. From the beginning of your own examination, your attention was drawn to the difference between "retiring" and "resigning"; one may imply a pension, the other rather the contrary?—In the case of Mr. Payne, which was almost, if not altogether, on all fours with this, the Lord Chancellor never objected to allowing Mr. Payne to retire upon a pension. Possibly the Lord Chancellor may be right, and I may be wrong, as to my having mentioned the circumstances attending Mr. Wilde's health.

3479. Mr. *Vivian.*] The case of Mr. Payne was considered subsequently to this, was not it?—No, it was considered at the same time. Mr. Payne sent in his petition about the same time.

3480. Mr. Payne retired in October, did he not?—He sent in his petition at the same time as Mr. Wilde, but continued to act until October. Really the two questions were considered at the same time as to pension, and were, as I have already said, upon all fours with each other.

3481. *Chairman.*] Will you look at the end of the Lord Chancellor's answer to Question 3339, beginning, "I am very much obliged to you"?—(*After reading the evidence.*) I suspect the solution of all this is, that I must have told the Lord Chancellor what I had heard as to Mr. Wilde's infirmity, just in the same way as I told his Lordship of Mr. Payne's age, and of his being in a condition to demand a pension. The circumstances were very quite similar, and his Lordship's instructions would consequently be as I have stated them.

3482. I will call your attention to the two last lines of that answer, "I gave "no authority to couple either the one or the other with the notice that he "should appear before me." That does not depend upon whether you told his Lordship anything about his health, or not?—No. My recollection of his Lordship's instructions to me remains the same as I have stated.

3483. With reference to the letter of the 9th of June, entered by you in the letter-book, would not Mr. Stuart, in the ordinary course of business, upon taking up that book on the morning of the 10th of June, have seen your letter entered on the 9th?—Of course he would, and if that letter had not been entered, he would have commenced the letter to Mr. Moffatt, that is the following one, at that place. This entry of mine on the 9th of June, is the last entry that was made on that day. I certainly did not enter it in the index as I ought to have done. It strikes me that the fact of the 310 in the index under the name of "Payne," and the 310 under the name of "Wilde," being both on erasures, is very important. I should quite expect them to be so. I think it would have been a matter of surprise if they had not been on erasures; because I take it to have been thus, that an inaccurate entry was made in the case of Mr. Payne, then that inaccurate entry having been made of the letter to Mr. Payne, and the letter to Mr. Wilde being on the same page, it would follow as a matter of course that the entry in the index, as regards Mr. Wilde, would also be inaccurate; the clerk would put them both the same.

3484. Mr. *Vivian.*] Why should you assume an inaccurate entry at all?—I

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assume an inaccurate entry, because it has been erased, and the proper entry put in. Then Mr. Bovill makes a remark which is very pertinent and proper to be made: "You not only do that, but you omit to enter the next letter to Mr. "Wilde, the letter at page 312." I say that is a blunder. But then the same thing does not occur in Mr. Payne's case, for after 310 the next letter is 376. That is actually the next letter written to him, and the entry of it in the index is not upon an erasure.

3485. But that opens a larger question, because the one follows in sequence in one line, and in the other case, the case of Mr. Payne, it is put down in a line below?—Yes, it was necessary to open a new line.

3486. Then the two cases are not the same?—The two cases are not exactly the same, but it shows that in the case of Mr. Wilde, the letter 312 had not been entered in the index at all; whereas in the case of Mr. Payne, the letter following 310 is actually entered. Besides that, Mr. Stewart commits this irregularity: after 310 there are several entries, 376, 392 and 396; and then Mr. Stewart does not notice the second entry in the name of Payne in the index, but he goes back to the first entry, and makes a bracket and enters 399, which is not entered in the proper place at all. That 399 ought to have been entered there (*pointing to the index*); he puts it in immediately after 310, not noticing that a new entry had been made of Mr. Payne's name further down.

3487. The fact remains, does not it, that the entries in the index referring to this letter of the 9th of June, are both upon erasures?—They are both upon erasures.

3488. Colonel *Pennant.*] You made this remark, did you not, that if that letter had not been in its place according to its date, at the bottom of that page, the gentleman who wrote the next letter, Mr. Stewart, would have commenced at the bottom of that page?—He would.

3489. Now, looking at that book, I think you will find that some sort of space is left without any letter being begun at the bottom of pages in many cases, in fact, in most cases?—There are three lines left there (*pointing to a page in the book*).

3490. Mr. *Vivian.*] In that case there are five lines left (*pointing to a page in the book*)?—Yes.

3491. You see five lines are required for this letter of yours at the bottom of that page, and there are several places in the book where there are five lines left blank?—I have only seen one such place.

3492. There is one with five lines, here is another (*pointing to two pages in the book*)?—Yes; when I prepared the documents for the House I disregarded that index altogether.

3493. Colonel *Pennant.*] You must observe that there is another thing here which makes it the more remarkable, taking it as you say, that the date of this letter is huddled in there, the whole letter being crowded into those five lines in a way that you do not find it done in other letters?—The date is interlined certainly.

Mr. *Duncan Stewart*, called in; and Examined.

Mr. *D. Stewart.*

3494. *Chairman.*] WHAT office do you hold?—Secretary to the Chief Registrar of the Court of Bankruptcy.

3495. Do you enter the letters in the letter-book? Nearly all of them; whenever I am in the way.

3496. Is this your handwriting (*showing a letter in the letter-book to the Witness*)?—Yes.

3497. Is that your handwriting (*showing another letter to the Witness*)?—Yes.

3498. That is on the next day; that letter being on the 10th of June, and the former on the 9th of June.

3499. Mr. *Edward Egerton.*] That is your handwriting, you say (*showing a letter to the Witness*)?—The letter of the 9th of June to Mr. Hamilton, on page 310, is in my handwriting.

3500. Look at the following letter; in whose handwriting is that?—In Mr. Miller's handwriting.

3501. Then the letter of the 10th of June 1864 to Mr. Moffatt is in your handwriting, if I understand you rightly?—Yes, on the following day.

3502. When

3502. When you wrote that letter on the 10th of June, are you able to say whether the letter next before it then existed?—I cannot say; I very seldom turn back, except to notice that the previous page is filled.

3503. It was your duty to make the index, was not it?—Yes.

3504. *Chairman.*] In whose handwriting is the letter at the bottom of page 310?—Mr. Miller's.

3505. Does Mr. Miller often copy letters in this book?—Occasionally. Very often there are letters not in my handwriting entered after I have left.

3506. Do you think it probable that you would have seen a letter copied in the handwriting of Mr. Miller without taking special notice of it?—Yes; he very often did things after I had left. There are entries in the order book by him; at least one entry in the order book.

3507. You cannot recollect when you wrote the letter of the 10th of June, whether the last entry on the last page had been made?—No; it is now a year ago; beyond the fact of seeing it here, I could hardly say.

3508. Colonel *Pennant.*] Would you not have naturally turned back to see where the writing ended on the preceding page?—I should.

3509. Mr. *Edward Egerton.*] Does not that bring it to your memory whether you saw that letter or not, because it must have been rather a curious thing to see Mr. Miller's handwriting, that being the only letter in the book written by him?—It would hardly have dwelt upon my memory, because I often found that other things had been touched by him after I had left.

3510. There is only one written by him in the book?—I should have thought you would have found more. I very often find letters in the morning which I have not put in over night.

3511. *Chairman.*] You see the space which is filled up by the last entry on the last page, before the 10th of June?—Yes.

3512. Had that space been left blank, would you naturally have placed your letter of the 10th of June upon that blank?—Not the letter of the 10th; that was a letter of the following day.

3513. If that space had been left blank when you thought of copying in your letter of the 10th of June, would you have commenced on that blank space?—Not on so small a space on the 10th, but on the 9th I should.

3514. Colonel *Pennant.*] You would have begun the correspondence of the succeeding day leaving that space at the bottom of the page?—Yes.

3515. Mr. *Evans.*] If it had been a letter of the same day that you were entering, you would not have turned over, if I understand you rightly?—Exactly.

3516. Mr. *Edward Egerton.*] You try to get the correspondence of each day as much as possible within the limits of the same sheet?—Yes, to connect the correspondence.

3517. Mr. *Vivian.*] Would you not naturally have marked a letter written by Mr. Miller on the preceding afternoon, seeing that that letter appears to be the only one in his handwriting in the book?—At the time undoubtedly I should, and I should have read it; perhaps I may be allowed to read it now (*reading the letter*). I should have noticed it at the time, because all these matters were very much on my mind at that time. But afterwards, beyond the fact of certain things being recorded in the book, I should not have thought about the handwriting.

3518. Colonel *Pennant.*] Have you any recollection of seeing that letter?—As I said, I do not particularly recollect seeing it.

3519. Mr. *Vivian.*] Is any record kept of the letters forwarded from your office?—Only of special letters; they are all entered in this book.

3520. Is not a record kept of the addresses of letters sent from the office, before they leave the office?—They are not entered. There may be 10 or 20 in a day, but that would not be known beyond the number of special letters which are entered here.

3521. Are not all letters entered as they leave your office?—No.

3522. Is not it customary in offices to keep a record of all the letters that are forwarded from the office?—An immense number of circulars are forwarded from the office, which are not noted beyond the fact that they have gone.

3523. Are letters of importance noted?—Nothing beyond this book.

3524. Colonel *Pennant.*] Have you any recollection of having seen that

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letter in Mr. Miller's handwriting at all?—I can hardly charge my memory with having seen it.

3525. Mr. *Evans.*] You mean to say that you do not recollect whether you saw it or not?—Exactly.

3526. *Chairman.*] Who decides whether a letter is to be entered or not?—Mr. Miller. Whatever letters he brings to me, I take his directions upon. I ask the question, "Shall this be entered"? And he says, "Yes" or "No," according to whether he thinks it important or not.

3527. Nothing would depend upon your authority in the case?—No, except in his absence. In his absence I should enter any letter that I thought important.

3528. Is it your duty to prepare the index to these letters?—As a rule, only to those that I enter myself. I put them down in the index at the moment, but if I ever find that I or anyone else has neglected to index a letter, I then insert it.

3529. Mr. *Vivian.*] Will you turn to the index for the letter in Mr. Miller's handwriting?—I have it; it is entered probably at the time, judging by the writing.

3530. You find the letter at the bottom of page 310, dated the 9th of June, indexed?—Yes.

3531. Have you the index of Mr. Wilde or Mr. Payne?—Mr. Payne the letter is addressed to.

3532. Will you refer to Mr. Wilde's name in the index?—I have it.

3533. Will you state whether that entry in the index of page 310 is upon an erasure or not?—Part of it, I think, is; but I do not think it all is.

3534. What portion of it is?—The "0;" I do not think the other is erased.

3535. The "0" you think is on an erasure?—I think the "0" is on an erasure.

3536. Will you now turn to the book at page 312; do you find another letter addressed to Mr. Wilde?—Yes.

3537. Will you now turn to the index; is that letter at page 312 indexed?—No, it is not.

3538. How do you account for the omission?—I cannot account for it; this particular letter is not in my handwriting.

3539. Is it possible that the figure "2" might have occupied the place of the figure "0" on the erasure?—It is very possible.

3540. The *Lord Advocate.*] You say that the letter on page 312 is not in your handwriting?—Yes; nor are the figures in the index in my handwriting.

3541. Colonel *Pennant.*] I think you stated that the letter on page 312 is not to be found in the index?—That is not to be found in the index.

3542. But there is a letter marked 312 in the letter book?—Yes.

3543. Mr. *Vivian.*] Is the figure "3" in the 310 in your handwriting in the index for the letter to Mr. Wilde?—No; neither the "3" nor the "1."

3544. Is the letter to Mr. Wilde, on page 312, in your handwriting?—No; it is not.

3545. Then the "3" and the "1" would not naturally be in your handwriting?—No.

3546. Are they in the handwriting of the person who copied the letter to Mr. Wilde on page 312?—I do not know the figures, but it is rather of the same character.

3547. *Chairman.*] You are not able to speak to that?—No.

3548. Mr. *Vivian.*] Will you now turn to the index containing Mr. Payne's name?—Yes.

3549. Do you find a letter, 310, in that index?—Yes.

3550. Is that upon an erasure?—Yes, all of it, I think; each of the three figures, I think, is upon an erasure. All these entries from there (*pointing to the book*), are in my handwriting until you pass that 399. The 376 is entered to "Payne, continued," not by me at all. My continuation goes on above in the bracket.

3551. But that is 399?—Yes; those other entries, 376, 392, and 396, are not in my handwriting. When I return to it I go to the place that I know, and continue it there.

3552. But the 310 there is upon an erasure?—It is upon an erasure.

3553. The

3553. The next letter to Mr. Payne is at page 376, is it not?—Yes.

3554. Are those figures in the index, "376," upon an erasure?—I think the "7" is; I am not sure of the rest; I think they are.

3555. Can you account for those erasures occurring in reference to these letters?—I can. Between these two, I think, there are several others not in my handwriting. These two lines being full, the person who entered that letter skips several lines, and makes a re-entry, "Payne, continued," and then these figures follow.

3556. Why should there have been an erasure under this 310, which is the last entry in that line?—I cannot account for that.

3557. Colonel *Pennant.*] Can you account for the 399 not being inserted here below?—Yes, the 399 are my figures, and they were entered there because I knew exactly where the index was for "Payne." There were a great many letters to him, and I bracketed the 399 to the old entry, not observing that in the meantime some other person had made a new entry, and when that was discovered it was connected by that pencil mark.

3558. Mr. *Vivian.*] But you cannot account for the figures 310 being written in both cases upon an erasure?—No; they are in both cases not in my handwriting.

3559. The *Lord Advocate.*] Look at the entry of page 376 in the lower line; that is written upon an erasure, is it not?—It is.

3560. Is it in your handwriting?—It is not.

3561. In whose handwriting is it?—I presume the person who entered that letter; I think one of the clerks in the office.

3562. Do you know whose handwriting it is; do you recognise the figures?—I do not recognise the figures, but I think they are written by the person who entered the letter, and I recognise the handwriting of the letter.

3563. Whose is it?—Mr. Smith's.

3564. What is his first name?—Thomas, I think, and it looks like his entry; I am not sure of it.

3565. Mr. *Vivian.*] A portion of what is written upon the erasures is in Mr. Smith's handwriting, if I understand you rightly?—A letter which is entered in the index upon an erasure is in his handwriting; of course one wrong entry involves both of these.

3566. You cannot account for the erasure?—No.

3567. Mr. *Edward Egerton.*] Are you in the habit, yourself, in keeping this index, of making erasures?—Occasionally; sometimes in indexing three or four letters together, we enter them by accident as being on the wrong page.

3568. Do you not index a letter the instant you have written it?—Very often; but sometimes I index three or four together.

3569. *Chairman.*] Then the inference would be that 310 has been substituted for 312 in this case?—It would have happened in this way, that the letter at page 310 had not been indexed at all, and on being sought for, there was found to be an entry 312 instead of 310, and then the 312 not being turned to was altered.

3570. Colonel *Pennant.*] In that case they would have added a number, but not taken one out, would they not?—If they had been trying to find this letter, and had not found it, except by turning over the leaves, they would have altered the entry by making it a "0" instead of a "2."

3571. The *Lord Advocate.*] You think they would do so without looking at page 312 at all; that is your idea?—Yes.

3572. Mr. *Vivian.*] Do you think that any clerk would erase the entry 312 without referring to see whether there was a letter at page 312?—I should think he would not, but I cannot say; that is the only way in which I can account for it.

3573. That is a mere supposition?—Yes, it is the only way in which I can account for it; it may possibly have been altered from a "2" to an "0;" being sought for and not found, the entry may have been altered; it is a mere surmise of mine.

3574. Mr. *Edward Egerton.*] How many men are there in your office connected with this letter-book?—I think almost every one has perhaps once entered a letter.

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3575. Have they all access to this book?—No; latterly it has been kept more private.

3576. The *Lord Advocate.*] At the time that letter was written, had any of the clerks access to it except yourself?—I think you will find that all July is in another hand, not mine; but on the 9th of June there were several entries made by me, and on the 10th by me.

3577. Had the other clerks access to the book at that time?—It was occasionally given to them to copy some special letters; but just during the Parliamentary inquiry our practice in some matters was departed from.

3578. If a clerk found that error, would he make the alteration without seeking authority to do so?—If he thought he had found an error he would alter it.

3579. You put this 399 within brackets yourself?—Yes, I put it in; not observing that the name had been carried on.

3580. And without any reference to that line below?—Just so. I think it is very likely that that letter entered by Mr. Miller was omitted to be indexed at the time, and only indexed when, at a subsequent period, it was discovered not to be indexed.

3581. If that letter of Mr. Miller's had been entered, not on its own date, but at some interval afterwards, would it have caught your eye, do you think, in the book?—If it had been within a very short time; but it depends rather upon what lies round it, because I never refer back except to particular letters.

3582. Supposing that letter had been entered months afterwards, would you have been aware of it?—I think not. The letter to which I have most frequently referred is at a different period altogether.

3583. To whom is that letter?—It is a letter to Mr. Payne.

3584. You were in the habit of referring back to that letter to Mr. Payne at a subsequent period?—Yes.

3585. Mr. *Edward Egerton.*] What is that letter?—It is a letter setting out certain charges.

3586. It is not the letter of the 9th of June?—No; it is much earlier, in May; but it is so far from that page that I might often have passed this letter by without noticing it.

Patrick Robert Welch, Esq., called in; and further Examined.

P. R. Welch, Esq.

3587. *Chairman.*] THE Committee are sorry to hear that you have not brought the letter of acknowledgment of the 1,050 *l.*?—I have not been away from London; I have been before a Committee of the House of Lords, in letter D., down stairs.

3588. Mr. *Edward Egerton.*] We understood that you were to go down to Leeds on Saturday?—No, I was to come here again. I had left my name with the Lord Advocate and some other persons. I will go down to-morrow and get it up on Saturday.

3589. You need not have the trouble of coming up again, you can send it up enclosed to the Chairman?—Yes, by all means I will do that.

3590. *Chairman,*] You quite understand that we wish you to send the acknowledgment to an address which I will give you (*handing a paper to the Witness*)?—I will take care that it shall be sent up.

3591. It is only fair to tell you that Mr. Bethell gives a different account with respect to the bill; he says that it was to be delivered back to him?—It may have been to him or to his solicitor, I could not say, or I might have destroyed it myself; it certainly went back, or was destroyed by some means or other.

3592. I understood you to state that you had yourself destroyed it?—I said that I thought I had done so, or given it back to Mr. Bethell.

3593. Colonel *Pennant.*] I thought you said you did not give it back?—No; I think you will find that I said, I might have done so. It is some time ago. If I remembered these things, I would tell you with pleasure. I considered that with the bankers' cheques, which I had endorsed by him, and the undertaking to pay me 1,050 *l.* for money received, I had a sufficient legal security. Mr. Bovill seemed (and he is a man of eminence in the profession) to think so too.

3594. Mr. *Vivian.*] Can you now remember whether you handed the bill back to Mr. Bethell or not?—If he stated so I will agree to it, but I really cannot recollect.

3595. The *Lord Advocate.*] When was it that you handed it back?—I think I said about January or April when I got his undertaking; January, February, or April, but the date of the undertaking will tell you, for the undertaking, at least the acknowledgment of his owing me that sum, is dated.

3596. Mr. *Vivian.*] Then you handed him back the bill on receiving his acknowledgment that he owed you 1,050 *l.*?—Yes, he promised it to me first, and gave it to me afterwards in a few days.

3597. I think Mr. Bethell has stated, that you handed him back the bill when the question of a letter of license was raised in December?—It might be. You now bring a circumstance to my memory which, if you will permit me, I will state. He asked me to sign his letter of license. I declined to sign the letter of license, because I told him at the time that I did not wish the Lord Chancellor to know that there was any money transaction between us; that is the fact.

3598. Mr. *Edward Egerton.*] I think you stated that you were not in London about the 20th of February?—Yes, I dare say I did, because I have been up six times about that railway.

3599. I want to call to your attention to a distinct fact mentioned by Mr. Skirrow; do you recollect going with Mr. Bethell to Mr. Skirrow's chambers?—I told you that I saw Mr. Skirrow once.

3600. You did not say where?—It must have been at Mr. Skirrow's chambers, if Mr. Bethell said so.

3601. Do you recollect going once with Mr. Bethell to Mr. Skirrow's chambers?—Yes, I have been about with him one or two days.

3602. Do you recollect standing outside in the passage some time, and then being introduced by Mr. Bethell to a gentleman who was said to be Mr. Skirrow?—I do.

3603. You did not recollect that the other day?—I cannot recollect everything when a question is asked me all at once.

3604. I think you told us that you were not in London at that time?—I do not want to be confined to a particular date; if you like I will go to my Parliamentary agent to ascertain the particular date when I was up in town.

3605. Mr. Skirrow says, "On the 22d" (of February), "after I had spoken "to Mr. Bethell (and I am afraid I spoke rather incautiously), as I was leaving "the room (I think I am accurate in this), Mr. Bethell left the room, and went "into the passage. I was going out of the door when Mr. Bethell suddenly "returned with a gentleman whom I had never seen before, and he said, 'Allow "'me to introduce you to Mr. Welch, whom I am going to stay with at Leeds.' "Mr. Welch said that he had applied to the Lord Chancellor to be transferred "to London; I made no remark to that. I said that I hoped we should "succeed in doing something for Richard, and that was all the conversation that "passed; I returned to my office, and Mr. Bethell went away with Mr. Welch." Does that bring the fact to your recollection?—I saw him at that particular date I have not the least doubt, from Mr. Skirrow's stating so.

3606. Mr. *Vivian.*] That was on the 22d of February?—I was up and down, as I told you before, several times about this railway.

3607. This applies to this point, that you could not remember who had stated to you that you had been appointed to London?—Yes; and I think still that Mr. Bethell told me.

3608. You now find that you were in London at that time, and you had an interview with Mr. Skirrow in Mr. Skirrow's own chambers in Mr. Bethell's presence, and that something passed at that time about it?—If Mr. Skirrow says that that is correct, I have no doubt of it. I have no diary.

3609. Mr. *Edward Egerton.*] We are only anxious that you should be made acquainted with what has passed?—I am much obliged to you.

3610. What the Committee principally wanted was this acknowledgment?—I will go for it. I would have gone for it before if I was told to do so. As I was not told to go for it, I waited for the Committee in the House of Lords which began yesterday and has finished to-day. I will send it to you. There

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are some private matters in it, but I have perfect confidence in the Committee.

3611. *Chairman.*] Are you quite certain about that, because Mr. Bethell has said that the letter only contained a simple acknowledgment?—I think there was more in it, but I will not say positively until I get it. Would you allow me to ask if there has been anything said detrimental to me by any of the witnesses who are adverse in this case, and inimical to me; because if there has, I should like to see the evidence before the Committee breaks up.

3612. The *Lord Advocate.*] There is Mr. Harding's evidence?—I do not mind his evidence at all.

The Witness was directed to withdraw; and, after a short time, was again called in.

3613. *Chairman.*] The Committee have considered your application, and I am authorised to say, that we have from time to time examined you, and put such questions to you as we thought material for eliciting all the facts of the case, and doing justice, as far as we can, to all parties. Beyond that, I can say nothing more?—I have answered you as well as my memory served me.

Veneris, 16° *die Junii*, 1865.

MEMBERS PRESENT.

Mr. Edward Egerton.
Mr. Evans.
Mr. Howes.
Colonel Douglas Pennant.
Mr. Vivian.

The Lord Advocate.

EDWARD HOWES, Esq., IN THE CHAIR.

Augustus B. Abraham, Esq., called in; and Examined.

A. B. Abraham, Esq.

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3614. The *Lord Advocate.*] YOU are private Secretary to the Lord Chancellor?—I am principal Secretary to the Lord Chancellor, and have been so since the 31st of May last; previously to that I was Secretary of Presentations.

3615. It has been stated to us by Mr. Wilde, who was registrar at Leeds, that he waited on you in the course of the month of November last, to make some complaints about his dismissal from office; do you recollect the occasion?—Yes, he did so. I received a note from a gentleman, signing himself, I think, "Henry S. Wilde." The note did not say who he was, or what was the particular matter he wanted to see me upon, but it was simply asking an interview. It must have been at the end of October or at the beginning of November. I wrote immediately in reply, to say that I should be at Lincoln's Inn, and happy to see him. He did not keep this appointment, and some time elapsed, and I then received a subsequent note from him of the same kind, regretting that he could not keep his appointment. I had ascertained in the meantime who he was, and I then wrote and told him that I should be in attendance at Lincoln's Inn, and should be happy to see him. I should mention that I inquired of my colleague, Mr. Stuart, who Mr. Wilde was, and he told me. Mr. Stuart had been secretary to Lord St. Leonards, and knew Mr. Wilde in some previous occurrences. In that way I ascertained that he was the Mr. Wilde who had been registrar at Leeds. Mr. Wilde then called upon me. I think it was on the day named; however, that is not material, and when he was introduced I heard what he had to say, and immediately that he touched upon bankruptcy matters, I did what I had made up my mind to do, namely, told him at once my position. I said, "Mr. Wilde, you have I see come to see me in reference to the Leeds bankruptcy affair, in which I believe (I only know it generally) there has been some unpleasant matter. I believe you have resigned." He said, "Yes, it is upon that that I wish to have an interview," and he wished to explain matters to me. I said, "Mr. Wilde, you must know that by Act of Parliament, the Act of 1852, the office of secretary in bankruptcy was abolished; the whole of the duties are ordered by the Act to be discharged by the chief registrar, and I have nothing to do with bankruptcy, except to send letters in bankruptcy (as I do in all the departments) on to the chief registrar, except there be something special." I said also, "I know nothing at all about this matter; it all passed through Mr. Miller's hands." He wanted to make a statement to me; I said, "Really my mind is a perfect blank upon the subject; I cannot listen to your statement; I cannot make any representation to the Lord Chancellor upon a verbal statement; if you put in writing anything you have to say, it shall be laid before the Lord Chancellor." That is the reply I always make to anybody who comes to make a verbal complaint. I have a distinct recollection

A. B. Abraham, Esq.

16 June 1865.

of saying, "If you put it in writing, I will take care that the Lord Chancellor "shall have it." He seemed a little excited, and as he kept making remarks about Mr. Miller and Mr. Commissioner Ayrton, I said, "You must understand "that if you choose to send it in writing, of course it will have to be sent to Mr. "Miller for explanation, and the matter will have to be settled by Mr. Miller, or "just as the Lord Chancellor may direct; but if you have complaints to make, Mr. "Miller must be referred to." Upon that he made some observation of this sort, about Mr. Miller, "Oh! if Mr. Miller was to have anything to do with it, "he would not do this, or that." And he made some other observations. His observations were principally directed against Mr. Commissioner Ayrton. I did not listen particularly to what he was saying. We were exceedingly busy at the moment; and then Mr. Stuart made some observation about a matter of business that we were engaged upon; and then Mr. Wilde got up and said he would not trouble me further, as Mr. Miller was to be referred to; and he left. I have never had any other communication with Mr. Wilde than that.

3616. Had you previously to that seen Mr. Payne upon the same subject?—Certainly not, nor was any allusion made to Mr. Payne upon that occasion; of course I was anxious, my time being exceedingly occupied, having intimated to Mr. Wilde what to do, to go on with my business.

3617. He did not say, I presume, that he was waiting to see before he applied, the result of any application from Mr. Payne?—He did not allude to Mr. Payne, nor had there been any communication from Mr. Payne.

3618. At that time there had been none?—No communication to my knowledge at all.

3619. There was a communication, I think, in April 1865, six months afterwards?—Yes, the end of April or the 1st of May, Mr. Payne called at my room; he met me at the door, and the messenger said that I was the principal secretary, and he then gave me his card. He was an elderly gentleman, and he said he was Mr. Payne, the Registrar of Leeds. I asked what was it he wanted; he said he wanted to see me to speak to me about the Leeds matter. I said, "I cannot discuss these "matters with you; you know I am not the Secretary in Bankruptcy, I am the "principal secretary; if you have any communication which I can make to his "Lordship, I will do so." He said something intended to be civil to me, which he repeated in a letter which I will read, if you please, and he then gave me a note to be handed to the Lord Chancellor; I assured him that the note should be handed to the Lord Chancellor, and accordingly I did hand the note to the Lord Chancellor.

3620. Mr. Wilde stated to the Committee that he had been waiting for the result of an application which Mr. Payne had at that time made to the Lord Chancellor?—You say that Mr. Payne made no application to the Lord Chancellor till six months afterwards?—Just so.

3621. Do you recollect whether, in anything that Mr. Wilde said, he complained of not having received Mr. Commissioner Ayrton's second report?—No, I cannot call to mind that he said anything about the report; he spoke of having been improperly treated by Mr. Commissioner Ayrton, and was making rather disparaging remarks, I thought.

3622. Colonel *Pennant*.] You have no recollection of his having said anything to you about a report of Mr. Commissioner Ayrton's which he had not received?—No; he made general remarks about Mr. Commissioner Ayrton, and his conduct and treatment of him. I stopped him, and said, "Well, really I cannot "assist you." I had intimated to him that if he would put it in writing I would hand anything to the Lord Chancellor; at the same time telling him that of course the Lord Chancellor would have to refer to Mr. Miller for explanations; that if he made a charge against the officers of the Court of Bankruptcy, they must be referred to for explanations. Having told him what I did, I did not care to attend very much to what he said, because I kept on saying to him that really I could not assist him.

3623. Have you Mr. Payne's letter?—Yes.

3624. Colonel *Pennant*.] This question was put to Mr. Wilde, "Did you "mention to Mr. Abraham the fact of your not having received that report"? His answer was, "Yes, that was one of the grounds of my complaint to Mr. "Abraham that my conduct was impugned for irregularities which I had not "had an opportunity of explaining; that was the subject of my complaint to "Mr. Abraham, and I had been waiting to see the result of Mr. Payne's appli-

"cation.

A. B. Abraham, Esq.

16 June 1865.

" cation. Mr. Payne made the same complaint to Mr. Abraham and to Mr. " Miller, and he earnestly requested that on account of his having been taken " by surprise, and these imputations cast upon his character behind his back, he " should have an opportunity of explaining them face to face to the Lord " Chancellor" ?—He complained of irregularities; to the best of my recollection he did not say anything specially about any report; he complained of irregularities and ill-treatment, more particularly on the part of Mr. Commissioner Ayrton, as I understood him, but he was stopped in the way I say by Mr. Stuart speaking about another matter of business that we were engaged on, and then he said that if Mr. Miller had to be consulted about the matter he should not take any further steps.

3625. *Chairman.*] Nothing further took place between you and Mr. Wilde?—Nothing further took place.

3626. He sent you no written statement?—No written statement came into my hands.

3627. Nothing to lay before the Lord Chancellor?—No.

3628. Mr. *Evans.*] I understand that you told him not to make a verbal statement to you?—I told him not to make a verbal statement to me, because I knew nothing about the facts and I could not assist him, but to put it in writing and I would lay it before the Lord Chancellor. At the same time I told him that any written statement he made, if it involved Mr. Miller, or the officials in bankruptcy, must necessarily be referred to them for explanations.

3629. The *Lord Advocate.*] Mr. Payne did make an application to the Lord Chancellor in the course of the month of April 1865?—Yes, in May; it was the 1st of May, I think.

3630. That was the first application that he had made?—It was the first that he had made to my knowledge. I had never seen Mr. Payne before. That application was referred to Mr. Miller.

Mr. *James Poingdestre*, called in; and further Examined.

Mr. *J. Poingdestre.*

3631. *Chairman.*] YOU had an order from the House yesterday to serve upon the Rev. Josiah Bartlett?—I had.

3632. For his attendance here to-day, at half-past three o'clock, before this Committee?—I had.

3633. Did you serve it?—I served it at his place of residence at Sydenham.

3634. Whom did you see?—I saw Mrs. Luck, to whom the house, I believe, belongs, and she told me that Mr. Bartlett had left there on the Tuesday, the day that I came down there, and that he had not returned home since.

3635. Mr. *Evans.*] He left the first day you were there?—He left the morning that I went down there; the day that I received your orders to serve a summons upon him.

3636. Mr. *Edward Egerton.*] Did he leave after the summons was served?—No, in the morning before I got there.

3637. *Chairman.*] So far as I can understand, he has not received the first summons?—He has not received the first summons. Mrs. Luck told me that she did not know where he was, but she believed he was somewhere in North Wales, and she would endeavour to see some friend of his this morning in the City, and might be able to get some information about him.

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REFORM CLUB

APPENDIX.

Appendix, No. 1.

RETURN BY THE CHIEF REGISTRAR OF THE COURT OF BANKRUPTCY. Appendix, No. 1.

COPY of all OFFICIAL LETTERS, REPORTS, or other PAPERS relating to the RESIGNATION of Mr. *Wilde* as Registrar of the Bankruptcy Court at *Leeds*.

Mr. *Miller* to Mr. *Wilde*.

Court of Bankruptcy, 6 April 1864.

Dear Sir,

BY direction of the Lord Chancellor, I lately transmitted to Mr. Commissioner Ayrton the accounts of the official assignees and messengers of the Leeds Court, with a view to an investigation of them, and in a letter dated the 27th ultimo, Mr. Commissioner Ayrton writes as follows:—"I have not yet looked into the accounts of the official assignees, but on opening the large paper Returns made to you, I see the words, 'Submitted to and approved by Mr. Commissioner Ayrton on the 8th of April 1862. *H. S. Wilde*, Registrar.' The fact being that I never saw that sheet or the accounts it refers to till I received it from you."

I am now directed by the Lord Chancellor to ask what explanation you have to give of this very grave offence?

Yours, &c.
John F. Miller.

H. S. Wilde, Esq.

Mr. *Wilde* to Mr. *Miller*.

Court of Bankruptcy, Leeds District,
9 April 1864.

Dear Sir,

I AM sorry to hear the Lord Chancellor thinks that I have committed a very grave offence in signing the document to which your letter alludes. I signed it; the gentleman (Mr. Carrick) presenting it to me representing that it had been submitted to and approved of by Mr. Commissioner Ayrton; and a statement now before me, dated the 8th of April 1862, signed by Mr. Commissioner Ayrton, shows that all the items in the account signed by me were on that day approved and allowed by the Commissioner, except the charge for petty disbursements, which are now, under the new Bill, audited by me.

I am, &c.
H. S. Wilde.

Mr. *Miller* to Mr. *Wilde*.

Court of Bankruptcy, 11 April 1864.

Dear Sir,

I HAVE yours of the 9th instant, and must trouble you to send me the document you refer to. It is not my province to judge of your conduct in this matter, but I can scarcely conceive anything more irregular than your certifying that the accounts had been "submitted to and approved of by Mr. Commissioner Ayrton," on the mere assertion of the official assignee.

Yours, &c.
John F. Miller.

H. S. Wilde, Esq.

Appendix, No. 1.

Mr. *Wilde* to Mr. *Miller*.

Court of Bankruptcy, Leeds District,
12 April 1864.

Dear Sir,

Herewith I beg to enclose you a copy of the document presented to me by Mr. Carrick when I certified that the accounts therein stated had been submitted to and approved by Mr. Commissioner Ayrton.

Yours, &c.
H. S. Wilde.

To J. F. Miller, Esq.

(Enclosure.)

"The Bankruptcy Act, 1861."

I, Theophilus Carrick, of Leeds, in the county of York, official assignee, make oath and say that the paper writing hereunto annexed, marked "A," is a true copy of an original document signed by Mr. Commissioner Ayrton now in my possession.

Theophilus Carrick,
Official Assignee.

Sworn at Leeds, in the county of York, this 12th day of April 1864, before me,

Thos. Simpson,
A Commissioner to administer Oaths in Chancery.

"The Bankruptcy Act, 1861."

Salaries and other Expenses of the Office of Theophilus Carrick, Official Assignee at Leeds.

	£.	s.	d.
Managing clerk	200	–	–
Second ditto	120	–	–
Third ditto	80	–	–
Fourth ditto	30	–	–
Rent and taxes	90	–	–
Coals, gas, and cleaning offices	25	–	–
£.	545	–	–
½ (Half-year) £.	272	10	–

I am of opinion that the above sum is reasonable and necessary for the proper working of my office.

Theophilus Carrick,
Official Assignee.

I hereby allow the above amount.

8 April 1862.

W. S. Ayrton,
Commissioner.

This is the paper writing marked "A," referred to in the affidavit of Theophilus Carrick, sworn to this 12th day of April 1864, before me,

Thos. Simpson,
A Commissioner to administer Oaths in Chancery.

Mr. *Miller* to Mr. *Wilde.*

Dear Sir, Court of Bankruptcy, 14 April 1864.

Mr. Carrick, one of the official assignees, asserts that you owe him 131 *l.*, and Mr. Needell, one of the messengers, that you owe him 25 *l.*, all for money borrowed.

I am directed by the Lord Chancellor to ask you whether these statements are true.

Yours, &c.

H. S. Wilde, Esq. *John F. Miller.*

Mr. *Wilde* to Mr. *Miller.*

Court of Bankruptcy, Leeds District,

Dear Sir, 16 April 1864.

In 1857 I met with a heavy loss, through the fraud of two friends. On going to Paris in great distress of mind, it seems I had from Mr. Needell 25 *l.*, for which I gave him an I. O. U., which fact I had forgotten till I saw Mr. Needell this morning. I have paid him the said sum this morning by cheque. In the same year I was obliged to get my bankers to make me a heavy advance, which, with the assistance of the advance of my friend Mr. Carrick of 131 *l.*, enabled me to provide against the loss above alluded to; but as I presume from your letter that the Chancellor thinks that I ought not to have sought for such friendly assistance, being a Registrar of the Court of which Mr. Carrick was one of the official assignees, I have repaid him also.

I am, &c.

John F. Miller, Esq. *H. S. Wilde.*

REPORT as to the Half-Yearly Returns of Mr. *T. Carrick.*

To the Right Honourable the Lord High Chancellor.

In pursuance of your Lordship's directions, contained in a letter from the Chief Registrar of the Court of Bankruptcy, dated the 22d March 1864, we have strictly examined the books of Mr. Theophilus Carrick, Official Assignee for the Leeds and Hull District Courts of Bankruptcy, and his Returns for the half-years ending the 11th April 1862, 11th October 1862, 11th April 1863, and 11th October 1863, made in pursuance of Section 31 of "The Bankruptcy Act, 1861," and the General Order of 22 February 1862.

The result is, that during the two years over which the returns extend, we find that Mr. Carrick has retained sums which he ought to have paid over to the Chief Registrar's Fund, and which he must now pay over, amounting in the whole to 1,315 *l.* 14 *s.* 2 *d.*, in addition to the surplus previously shown in the returns.

We thought it expedient to take some evidence from Mr. Carrick in writing, and beg to refer thereto as part of this report. We find that each of the half-yearly returns is inaccurate, and we have corrected them in red ink, so that a reference thereto will explain the nature of the inaccuracy. We discovered, in going through the items in the cash-book, that fees, and portions of fees, to the amount of 495 *l.* 10 *s.* 10 *d.* had been omitted from the returns. Of this sum 424 *l.* 3 *s.* was received in cases where the adjudication was before the 11th October 1861. Mr. Carrick entered in his returns only one-half of the amounts of fees received in such cases, and retained to his own use the other half. No indication of any portion of such fees having been retained appears on the returns.

It appears from a letter from the Chief Registrar, Mr. Whitehead (of which a copy is annexed), that the Commissioners in London considered the official assignee entitled to remuneration out of the fees received under the bankruptcies, wherein the adjudications took place prior to 11th October 1861, for all duties performed by him previously to the 11th October 1861.

Mr. Carrick admits that he did not obtain any authority from the Commissioner to retain these amounts. He states in general terms that some understanding or arrangement was come to, and made applicable to all such cases, but we find the work for which the fees were charged was done in almost every instance subsequently to the 11th October 1861; and moreover, that he was not the official assignee in Leeds prior to that date; we therefore consider that Mr. Carrick has improperly retained such "half-fees."

Mr. Carrick has not stated the exact sums paid for clerks' salaries, nor the exact sums paid for the rent and office expenses in each half-yearly return, but has entered amounts which he states he considered to be the sum allowed him by the Commissioner, and under these heads Mr. Carrick has charged 176 *l.* 1 *s.* 9 *d.*, in his Returns for the years 1861–62, and 1862–63, in excess of his actual payments.

Appendix, No. 1.

Mr. Carrick has charged in his several Returns for stationery, postage, and petty expenses, sums amounting to 1,211 *l.* 16 *s.* 8 *d.*, whereas the actual expenditure was 567 *l.* 15 *s.* 1 *d.*; the amount retained by Mr. Carrick in excess of payments under this head is 644 *l.* 1 *s.* 7 *d.*

	£.	*s.*	*d.*
The several sums of - - - - - -	495	10	10
	176	1	9
and - -	644	1	7
Make together the sum of - - - - £.	1,315	14	2

Each of Mr. Carrick's half-yearly returns contains the following memorandum at the foot of the last page :—

> *Memorandum.*—This account, contained in pages respectively marked "A," is the account referred to in the affidavit of Theophilus Carrick, Official Assignee, hereunto annexed. The reasonable office expenses having been previously submitted to and sanctioned by Mr. Commissioner Ayrton.
>
> *H. S. Wilde*, Registrar.

This statement is not correct. The Half-yearly Returns were never submitted to Mr. Commissioner Ayrton. All that Mr. Ayrton did, having reference to the matter is, that on the 8th day of April 1862, he signed a paper for Leeds, of which the following is a copy :—

"The Bankruptcy Act, 1861."

SALARIES and other Expenses of the Office of Theophilus Carrick, Official Assignee at Leeds.

	£.	*s.*	*d.*
Managing clerk - - - - - - -	200	–	–
Second ditto - - - - - - -	120	–	–
Third ditto - - - - - - -	80	–	–
Fourth ditto - - - - - - -	30	–	–
Rent and taxes - - - - - - -	90	–	–
Coals, gas, and cleaning offices - - - - -	25	–	–
£.	545	–	–
Half year - - - £.	272	–	–

I am of opinion that the above sum is reasonable and necessary for the proper working of my office at Leeds.

Theophilus Carrick,
Official Assignee.

I hereby allow the above amount.

W. S. Ayrton,
Commissioner.

8 April 1862.

Mr. Ayrton signed a similar paper as regarded Hull, assuming the amount represented, the money expended, or to be expended.

These were the only two papers signed by Mr. Ayrton, but Mr. Carrick states that he considered them as continuing authorities to retain the sums therein mentioned, year after year, for the future.

The memorandum states, "The reasonable office expenses having been previously submitted to and sanctioned by Mr. Commissioner Ayrton," but classed under the head of "reasonable office expenses allowed by the Court," said to have been submitted to the Commissioner, are included, "stationery, postages, and petty expenses," which never were submitted to the Commissioner.

Taking it for granted that the paper which Mr. Ayrton signed on the 8th April 1862 was considered by Mr. Carrick as a continuing sanction for all subsequent half-yearly returns of salaries to clerks and office expenses, yet Mr. Carrick was aware that Mr. Ayrton did not sanction and did not know anything about the "stationery, postages, and petty expenses," which the returns allege that he did sanction, and which charges for "stationery, postages, and petty expenses," have been considerably in excess of the payments made.

Mr. Carrick states that he assumed that he had a right to retain, for his own use, the whole of the sums received by him, and entered in column 1 of the returns under the head of "stationery, postages, and petty expenses."

If

If Mr. Carrick had charged under this head the exact sums expended he would have had a right to retain the whole, but the sums charged against the estates are always in excess of the real expenditure.

The printed heading of the Returns, the General Order of the 22d February 1862, and the language of the affidavit sworn to by Mr. Carrick on each return, ought to have satisfied him that he was bound to pay over to the Chief Registrar's Fund the entire surplus which remained in his hands after he had reimbursed himself for all actual payments for "stationery, postages, and petty expenses."

The scale pointed out in column 1 of the tables referred to in the Order of the 22d February 1862 has not been strictly adhered to.

The details of the sums payable to the Chief Registrar's Fund under the corrected Returns are as follows:—

Half-year ending 11th April 1862.

For this half-year at Leeds Mr. Carrick should have paid over to the Chief Registrar's Fund, as appears by our corrections of the return made in red ink, the sum of 32*l.* 19*s.* 11*d.*

For the Return for the same period at Hull, as appears in like manner, he should have paid over the sum of 61*l.* 2*s.* 4*d.*

Half-year ending 11th October 1862.

For this half-year at Leeds Mr. Carrick should have paid over to the Chief Registrar's Fund, as appear by our corrections of the return made in red ink, the sum of 468*l.* 7*s.* 7*d.*

For the Return for Hull, as appears in like manner, he should have paid over the sum of 209*l.* 8*s.* 6*d.*

Half-year ending 11th April 1863.

For this half-year at Leeds Mr. Carrick should have paid over to the Chief Registrar's Fund, as appears by our corrections of the return made in red ink, the sum of 386*l.* 2*s.* 6*d.*

For the Return at Hull, as appears in like manner, he should have paid over the sum of 244*l.* 14*s.* 9*d.*

Half-year ending 11th October 1863.

For this half-year at Leeds Mr. Carrick should have paid over to the Chief Registrar's Fund, as appears by our corrections of the return made in red ink, the sum of 480*l.* 13*s.*

For the Return at Hull, as appears in like manner, he should have paid over the sum of 672*l.* 9*s.* 2*d.*

SUMMARY.

	£.	s.	d.
Which sums of	32	19	11
	61	2	4
	468	7	7
	209	8	6
	386	2	6
	244	14	9
	480	13	–
	672	9	2
Make together the sum of £.	2,555	17	9

We find that the books are not in arrear, and have been tolerably well kept in all general matters, but have not been properly kept as regards the fees received and to be accounted for in the Return to the Chief Registrar.

All which we humbly report to your Lordship, this 7th day of May 1864.

W. S. Ayrton.
R. P. Harding.

Appendix, No. 1.

Mr. *Whitehead* to Mr. *Carrick.*

Court of Bankruptcy, London,
28 April 1862.

Dear Sir,

Referring to my Circular of the 7th March last, which accompanied a print of the General Order of the 22d of February 1862, I have now to submit to you some further suggestions, in order to assist you in preparing the Returns you are required to make under that Order.

In carrying out the General Order with reference to bankruptcies pending on the 11th October 1861, and to the 230th section of "The Bankruptcy Act, 1861," the Commissioners in London think that where, in any case, the time and labour of an official assignee have, prior to the 11th October 1861, been devoted to the getting in the debts and property under any bankrupt's estate, but the actual receipt of the moneys payable to the estate, or the declaration of a dividend, has not taken place until after the 11th October 1861, the official assignee is entitled to remuneration out of the bankrupt's estate for all duties performed by him previously to the 11th October 1861, in like manner as if the debts and property in respect of which such duties shall have been performed, although collected and realised after, had been collected and realised before the 11th October 1861, and as if the dividend under any bankrupt's estate, although declared after, had been so declared previously to that day. Provided always, that if such duties had been performed partly before and partly after the 11th October 1861, the remuneration to the official assignee to be retained for his own use, and the amount for which he is to be accountable under the said Order should be fairly apportioned by the Court.

I have also to bring under your notice a practice hitherto adopted in some of the official assignees' offices in London, of allowing to their clerks a small remuneration out of the per-centage or allowance payable to the official assignees on the collection of debts due to bankrupts' estates, and which may in future be applied to the debts which the official assignees are required to collect under Section 128 of "The Bankruptcy Act, 1861," where they do not exceed 10 *l.*, or which, being of a higher amount, they may be authorised by the statute to collect in default of the appointment of a creditors' assignee.

The scale of allowance to the clerks is as follows:

	s.	*d.*
On each debt, not exceeding 2 *l.* - - -	–	3
Exceeding 2 *l.*, and not exceeding 4 *l.* - -	–	6
Exceeding 4 *l.*, and not exceeding 6 *l.* - -	–	9
Exceeding 6 *l.*, and not exceeding 10 *l.* - -	1	–
Exceeding 10 *l.* - - - - - -	1	6

The Commissioners in London approve of this scale being acted upon, so far as regards their respective official assignees, and you may also adopt it if it meets with the approval of your Commissioner; and if the plan be adopted, the salaries to the clerks should be partly fixed and partly dependent upon the per-centages; and thus a stimulus will be given for their aiding in the collection of these debts, and the revenue of the Court, now charged with the official assignees' salaries, will be increased.

The future payment of all salaries to the officers of the Court will depend upon the fees chargeable under the Act being collected with diligence.

I remain, &c.
W. H. Whitehead,
Chief Registrar.

Theophilus Carrick, Esq.

Examination of Mr. *Theophilus Carrick.*

I have been an Official Assignee since May 1848.

1. *Q.* Are all moneys received by you in your character of official assignee paid into a bank?—*A.* No; I make sundry small payments out of the cash box; all large sums go to the bank.

2. Are all payments made by cheque?—The greater part; some small payments are made in cash.

3. Are your own private moneys mixed up with your receipts and payments as official assignee?—No; I keep a separate banking account for my private moneys.

4. How frequently is your cash book balanced?—It is balanced once a month.

5. Do you regularly make a quarterly return of all balances in your hands belonging to bankrupts' estates?—Yes.

6. Is

6. Is that account audited, and by whom, and in what way?—It ought to have been, but has not been audited by the Commissioner (Mr. Ayrton).

7. Does that quarterly return include any moneys in your hands belonging to the estates of debtors who are making or have made arrangements with their creditors?—I think so.

8. How many clerks have you, and at what salaries?—At Leeds, four clerks; first clerk at 200 *l.* a year to October last, since at 250 *l.*; second clerk 120 *l.* a year; third clerk 65 *l.* a year; junior clerk 7 *s.* a week. At Hull, four clerks; first clerk 200 *l.* a year; second clerk 109 *l.* 4 *s.* a year; third clerk 78 *l.* a year; junior clerk 20 *l.* 16 *s.*

9. Do your clerks receive the exact salaries you enter in your half-yearly returns?—They have been entered erroneously in the half-yearly returns.

10. Do any of the clerks make any return of any portion of their salaries to you?—No.

11. What are your office hours?—From nine to six; sometimes even till twelve.

12. Do you pay every amount which you claim to deduct from your receipts for expenses?—Yes; except as to petty and other small charges mentioned in half-yearly returns.

13. Do solicitors to assignees receive and retain any sums of money which ought properly to be paid to you?—Yes; it is one of the evils of the new Bill.

14. Do you make any report to the Commissioner thereon?—I do not.

15. Can you mention any estates to which moneys are now due from the solicitor or assignee?—I can do so, but not at this moment.

16. Have you continued to realise assets under old bankruptcy?—Yes.

17. Have you been allowed remuneration in such cases?—Yes; the Commissioner allowed me to retain at the rate of half the fees received.

18. Have you mentioned the whole amount of fees paid in your return?—No; I have only included half the fees actually received.

18. From what sources have the expenses attending such old cases been defrayed?—From the estates themselves; they are all included in the half-yearly returns.

19. On passing your accounts, do you invariably produce all vouchers; that is, a voucher for every alleged payment before it is passed by the Registrar?—I always produce vouchers.

20. Are any persons connected with this Court under pecuniary or other obligations to you, or have they been?—I have lent money to the two Registrars; to Mr. Payne, 500 *l.*, and to Mr. Wilde 133 *l.*; Mr. Wilde has repaid me since this inquiry commenced.

21. Have you caused the messenger to render you an account of all fees received and payments made by him, as directed by No. 14 of the General Orders of 1861?—No, I have not.

22. Do you ever inspect the messengers' bills?—No.

23. Did you know anything about the deposits received by the messengers?—Not anything.

24. Have you any account in your ledger in which the details of fees received and of payments made are shown under the several heads as they appear in the returns made by you?—No.

25. Have you any book containing entries which correspond with your returns?—No.

26. Having just read your affidavit annexed to your return, and being aware that some fees and parts of fees have been omitted from the returns, and also that your actual payments do not agree with the sums represented by you to have been paid, have you any explanation to offer?—I depended on the accuracy of my managing clerk, and did not personally test the account.

Theophilus Carrick,
Official Assignee.

W. S. Ayrton,
R. P. Harding,
3 May 1864.

Appendix, No. 1.

REPORT as to the HALF-YEARLY RETURNS of Mr. *George Young*.

To the Right Honourable the Lord High Chancellor.

1. IN pursuance of your Lordship's directions, contained in a letter from the Chief Registrar of the Court of Bankruptcy, dated the 22d day of March 1864, we have strictly examined the books of Mr. George Young, Official Assignee for Leeds and Sheffield District Court of Bankruptcy, with the returns for the half-years ending the 11th April 1862, 11th October 1862, 11th April 1863, and 11th October 1863, made in pursuance of Section 31 of the Bankruptcy Act, 1861, and the General Order of the 22d February 1862.

2. The result is that during the two years over which the returns extend we find that Mr. Young has retained sums which he ought to have paid over to the Chief Registrar's Fund (and which he must now pay over), amounting in the whole to 1,204 *l.* 1 *s.* 9 *d.* in addition to the surplus previously shown in the returns.

3. We have thought it expedient to take some evidence from Mr. Young in writing, and beg to refer thereto as part of this report.

4. We find that each of the half-yearly returns is inaccurate, and we have corrected them in red ink, so that a reference thereto will explain the nature of the inaccuracy.

5. We discovered, in going carefully through the cash book, that fees and portions of fees to the amount of 685 *l.* 6 *s.* 5 *d.* had been omitted from the return. Of this sum 574 *l.* 16 *s.* 10 *d.* was received where the adjudication was before the 11th October 1861. Mr. Young, in his return, had only entered about one half the amount of fees received in such cases, and had retained to his own use the other half. No indication of any portion of the fees having been retained appears on the face of the returns.

6. It appears, from a letter from the Chief Registrar, Mr. Whitehead (of which a copy is annexed), that the Commissioners in London considered the official assignees entitled to remuneration out of the fees received under the bankruptcies wherein the adjudications took place prior to the 11th October 1861, "for all duties performed by him previously to the 11th October 1861."

7. We find the work for which the fees were charged was in the majority of instances subsequent to the 11th October 1861.

8. Mr. Young is now satisfied with an allowance of 100 *l.* for his remuneration, and for any disbursements made by him in respect of old business.

9. Mr. Young has not stated the exact sums paid for rent and office expenses in each half-year, but has entered amounts which are the proportions of the sums he considered to have been allowed him by the Commissioner, and under these heads he has charged 39 *l.* 13 *s.* 9 *d.* in his returns for the years 1862 and 1862-3, in excess of his actual payments.

10. Mr. Young has charged, in his several returns for "Stationery, postages, and petty expenses," sums amounting to 1,138 *l.* 14 *s.* 7 *d.*, whereas the actual expenditure was 559 *l.* 13 *s.* The amount retained by Mr. Young in excess of payments made under this head is 579 *l.* 1 *s.* 7 *d.*

SUMMARY.

	£.	*s.*	*d.*
The several sums of - - - - - - - -	685	6	5
	39	13	9
	579	1	7
Make together the sum of - - - - - - - -	1,304	1	9
Deduct amount allowed by Mr. Commissioner Ayrton as remuneration for duties performed and petty disbursements made prior to the 11th October 1861, in respect of old business - - - - - - -	100	–	–
TOTAL - - - £.	1,204	1	9

11. Each of Mr. Young's returns contains the following memorandum at the foot of the last page:

"*Memorandum.*—The account contained in the pages marked A. is the account referred to in the affidavit of George Young, the official assignee, and hereunto annexed. The reasonable office expenses having been previously submitted to and sanctioned by Mr. Commissioner West.

"*Samuel Payne*, Registrar."

12. This

12. This statement is not correct. The half-yearly returns were never submitted to Mr. Commissioner West. All that Mr. West did, having any reference to the matter, is that he signed a paper, of which the following is a copy: Appendix, No. 1.

"The Bankruptcy Act, 1861.

"Salaries and other Expenses of the Office of George Young, one of the Official Assignees of the Leeds District Court of Bankruptcy.

	£.	
The managing clerk at	350	per annum.
The second clerk at	100	"
The third clerk at	50	"
TOTAL Salaries £.	500	

	£.	
Office rent	40	per annum.
Rates and taxes	14	"
Gas, coals, and water	20	"
Office keeper's wages	13	"
'Bankruptcy Gazette,' and Time Tables	3	"
Repairs and alterations, and office cleaning	10	"
£.	100	

TOTAL Salaries and Expenses for the year £. 600

George Young, Official Assignee.

"Actual payments for salaries and office expenses for the half-year, 300 *l.*

"I hereby allow the above payments.

"*M. J. West*, Commissioner."

13. This paper has no date, but it was signed before the first half-yearly return was made. A similar paper was drawn up for Sheffield. These were the only two papers signed by Mr. West, but Mr. Young stated that he considered them as a continuing authority to pay the sums therein mentioned, year after year, for the future.

14. The memorandum states: "The reasonable office expenses having been previously submitted to and sanctioned by Mr. Commissioner West, but classed under the head 'Reasonable Office Expenses allowed by the Court,' said to have been submitted to the Commissioner, we find 'stationery, postages, and petty expenses,' which never were submitted to the Commissioner."

15. Taking it for granted that the paper which Mr. West signed was considered by Mr. Young as a continuing sanction for all subsequent half-yearly returns of salaries to clerks and office expenses, yet Mr. Young was aware that Mr. West did not sanction, and did not know anything about the charge for "stationery, postages, and petty expenses," which the returns allege that he did sanction, and on which charges for "stationery, postages, and petty expenses," considerable overcharges have been made.

16. Mr. Young states that he assumed that he had a right to retain for his own use the whole of the sums entered under column 1 of the return, that is "stationery, postages, and petty expenses."

17. If Mr. Young had charged under this head the exact sums expended, he would have had a right to retain the whole; but as the sums charged are greatly in excess of the real expenditure, being systematically charged for under an arbitrary scale, of which the alleged payments are for the most part purely imaginary, and those not imaginary greatly in excess of the truth.

18. Therefore the printed heading of the returns, the General Orders of the 22d February 1862, and the affidavit sworn by Mr. Young on each return made, ought to have shown Mr. Young that he was bound to pay over to the Chief Registrar's Fund the large surplus which remained in his hands after he had reimbursed himself for all actual payments for "stationery, postage, and petty expenses."

19. The scale pointed out in Column 1 of the Tables referred to in the Order of the 28th February 1862, has not been strictly adhered to.

Appendix, No. 1.

20. The details of the sums payable to the Chief Registrar's Fund under the corrected returns, are as follows:—

Half Year ending 11th April 1862.

For this half-year at Leeds, Mr. Young should have paid over to the Chief Registrar's Fund, as appears by our corrections of the return made in red ink, the sum of 256 *l.* 12 *s.* 4 *d.*

For the return at Sheffield, as appears in like manner, he should have paid over the sum of 66 *l.* 3 *s.* 5 *d.*

Half Year ending 11th October 1862.

21. For this half-year at Leeds, Mr. Young should have paid over to the Chief Registrar's Fund, as appears by our corrections of the returns made in red ink, the sum of 633 *l.* 9 *s.* 5 *d.*

For the return at Sheffield, as appears in like manner, he should have paid over the sum of 300 *l.* – *s.* 1 *d.*

Half Year ending 11th April 1863.

22. For this half-year at Leeds, Mr. Young should have paid over to the Chief Registrar's Fund, as appears by our corrections of the return made in red ink, the sum of 637 *l.* 4 *s.* 3 *d.*

For the return at Sheffield, as appears in like manner, he should have paid over the sum of 378 *l.* 9 *s.* 6 *d.*

Half Year ending 11th October 1863.

23. For this half-year at Leeds, Mr. Young should have paid over to the Chief Registrar's Fund, as appears by our corrections of the return made in red ink, the sum of 456 *l.* 3 *s.* 4 *d.*

For the return at Sheffield, as appears in like manner, he should have paid over the sum of 391 *l.* 19 *s.* 4 *d.*

SUMMARY.

	£.	*s.*	*d.*
Which sums of	256	12	4
	66	3	5
	633	9	5
	300	–	1
	637	4	3
	378	9	6
	456	3	4
	391	19	4
Make together the sum of £.	3,120	1	8
Deduct amount allowed by Mr. Commissioner Ayrton as remuneration for duties performed and petty disbursements made prior to the 11th October 1861, in respect of old business	100	–	–
	3,020	1	8
Mr. Young has paid to the Chief Registrar	1,815	19	11
only, and the difference of £.	1,204	1	9

is the amount mentioned in the second paragraph.

24. We find that the books of account are not in arrear, and are well kept in all general matters, but have not been properly kept as regards the fees received and to be accounted for in the return to the Chief Registrar.

All which we humbly report to your Lordship this 7th day of May 1864.

W. S. Ayrton.
R. P. Harding.

EXAMINATION of Mr. *George Young.*

I HAVE been an Official Assignee since 1842.

1. *Q.* ARE all moneys received by you, in your character of official assignee, paid into a bank?—*A.* No; I reserve moneys for current purposes.

2. Are all payments made by cheque?—All payments are not made by cheque.

3. Are your own private moneys mixed up with your receipts and payments as official assignee?—Not at all; I keep a private banking account.

4. How

4. How frequently is your cash-book balanced?—Every week it is tried, and the balance struck every month, and the ledger balances are taken out every month, when there is a trial balance at the same time.

5. Do you regularly make a quarterly return of all balances in your hands belonging to bankrupts' estates?—Regularly every quarter.

6. Is that account audited, and by whom, and in what way?—It is; by the Commissioner (West), by comparing the balances shown in the quarterly return with the balances in my ledger, and by comparing also the cash-book and the bankers' pass-book.

7. Does that quarterly return include any monies in your hands belonging to the estates of debtors who are making, or have made, arrangements with their creditors?—Yes, of those who are making arrangements.

8. How many clerks have you, and at what salaries?—I have three clerks at Leeds; John Gordon, chief clerk (a cousin), at 300 guineas a-year; Joseph Wornersley, at 100*l.* a-year; James Martin, junior, at 42*l.* a-year; and I have three clerks at Sheffield; R. H. Birkenshaw (chief clerk), at 300 guineas a-year; Mr. Terry (second clerk), at 120*l.* a-year; junior clerk, at 30*l.* a-year.

9. Do your clerks receive the exact salaries you enter in your half-yearly returns?—I pay them the sums I enter in my half-yearly returns, and rather more.

10. Do any of the clerks make any return of any portion of their salary to you?—Certainly not.

11. What are your office hours?—From nine till four, nominally; generally till six or seven.

12. Do you pay every amount which you claim to deduct from your receipts for expenses?—I have deducted for my own use the amount allowed by the Registrar, in column 1 of the half-yearly returns; I took that to be part of my own allowance.

13. Do solicitors to assignees receive and retain any sums of money which ought, properly, to be paid to you?—They do occasionally.

14. Do you make any report to the Commissioner thereon?—I make a report to the Registrar, but not to the Commissioner.

15. Can you mention any estates to which monies are now due from the solicitor or assignee?—I cannot recollect any particular names, but there are such cases; I frequently have to threaten, and to write over and over again, before I can get the money.

16. Have you continued to realise assets under old bankruptcies?—Yes.

17. Have you been allowed remuneration in such cases?—Yes; I am allowed by the Commissioner half the old scale.

18. Have you included all the fees received under old bankruptcies in your return?—No; I have omitted from the return the amounts allowed me.

19. From what source have the expenses attending such old cases been defrayed?—From the same source as the expense of new estates.

20. On passing your accounts do you invariably produce all vouchers, that is, a voucher for every alleged payment, before it is passed by the Registrar?—Invariably.

21. Are any persons connected with this Court under pecuniary or other obligations to you; or have they been?—Mr. Payne, the Registrar, was indebted to me to the amount of from 100*l.* to 150*l.*; I abandoned that claim the day before the Act of 1861 came into operation, seeing that Mr. Payne would thenceforward have to audit my accounts, and not wishing him to feel under any obligation to me.

22. Do you ever inspect the messengers' bills?—No, I never see them; all I see is the allocatur for the amount.

23. Did you know anything about the deposits received by the messengers?—I know they do receive deposits, but that is all I know.

24. Have you caused the messenger to render to you an account of all fees received and payments made by him, as directed by No. 14 of the General Orders of 1861?—They never have been produced to me.

25. Have you any account in your ledger in which the details of fees received and of payments made are shown under the several heads as they appear in the returns made by you?—No; but I intend to keep such a ledger for the future.

26. Having just read your affidavit annexed to your returns, and being aware that some fees and parts of fees have been omitted from the returns, and also that your actual payments do not agree with the sums represented to have been paid, have you any explanation to offer?—As to the affidavit, I did not put that rigid construction upon it that I find you are doing. As to omissions of fees or per-centages, some of them I considered as due to me on old estates, for business done before the Act of 1861, and therefore not necessary to be included in the returns; and others may have been omitted by inadvertence. As to payments of salaries they agree with the sums actually paid, only that I paid more than I have charged. As to other payments which do not agree, I assumed that the sums allowed to me by Mr. West, at the commencement of the Bankruptcy Act in 1861, for rents, taxes, and other office expenses, were to be retained by me absolutely for the purpose of meeting those expenses, and I have charged those sums in the returns half-yearly, whether they agree with the actual payments or not.

George Young,
Official Assignee.

W. S. Ayrton,
R. P. Harding.
6 May 1864.

Appendix, No. 1.

REPORT as to RETURNS of Messenger, Mr. *Templer*.

To the Right Honourable the Lord High Chancellor.

1. IN pursuance of your Lordship's directions, contained in a letter from the Chief Registrar of the Court of Bankruptcy, dated the 22d March 1864, that the accounts of the messengers should be investigated, we have examined the annual returns of Mr. C. C. Templer, messenger of the Leeds Bankruptcy Court, made in 1862 and 1863 to the Chief Registrar, in pursuance of No. 15 of the General Orders in Bankruptcy, of the 14th October 1861.

2. We have thought it expedient to take some evidence from Mr. Templer in writing, and beg to refer thereto as part of this Report.

3. We have examined, in Mr. Templer's presence, his annual returns, and the bills of costs on which the returns are founded, and the result is, that during the two years over which the returns extend, Mr. Templer has retained the sum of 1,423 *l.* 12 *s.* 3 *d.* which he ought to have paid over to the Chief Registrar's Fund, and which he must now pay over. In addition to this sum of 1,423 *l.* 12 *s.* 3 *d.* there is the surplus of 214 *l.* 9 *s.* 6 *d.* which appears by the return of 11th October 1863, and which has also to be paid over to the Chief Registrar. These sums make together 1,638 *l.* 1 *s.* 9 *d.*

4. The details are as follows:—First, the Return ending the 11th October 1862.
Mr. Templer has received on account of bills of costs, in excess of the amount mentioned in the annual return, the sum of 10 *l.* 11 *s.* 4 *d.*

5. We find that Mr. Templer has retained as "payments" in his bills of costs, various sums which are not payments, and which he is not entitled to retain, but which he must pay over to the Chief Registrar's Fund, and which amount to the sum of 639 *l.* 3 *s.* 3 *d.*

6. A great portion of this sum of 639 *l.* 3 *s.* 3 *d.* arises from Mr. Templer having made a constant practice of charging for journeys which he never took, but for which he has charged the full fare of 10 *d.* a mile, and retained the amounts as if actually paid out of pocket. Where the assistant went instead of the messenger, we have allowed the payments made.

7. Mr. Templer has made a constant practice of charging the travelling expenses of his assistants at the full-fee charges of 7 *d.* a mile (which he was entitled to do as against the estate), and retaining the amounts as if the actual payments had been made out of pocket (which he was not entitled to do as against the Chief Registrar's Fund).

8. Mr. Templer has also made a constant practice of charging for, and retaining as payments out of pocket, sums for making inventories, though these were (with few exceptions) made by his chief assistant, who is paid by a salary, or by the man in possession, who received 28 *s.* a week. It is the duty of the messenger to make the inventory under No. 16 of the General Orders in Bankruptcy of 14th October 1861.

9. The nature of the sums improperly retained as "payments" will appear by a copy of a bill of costs sent herewith, as allowed by the Registrar, and as allowed by us, which is a fair specimen of these improprieties.

10. Mr. Templer has charged the sum of 75 *l.* for travelling expenses of himself and assistant to attend the Court at Sheffield, whereas he expended 5 *l.* 19 *s.* only; and we have disallowed the difference, being 69 *l.* 1 *s.* 3 *d.*

11. We find that Mr. Templer has retained the sum of 230 *l.* as paid for the yearly salary of clerks, whereas, in fact, he paid to Mr. Harpham 150 *l.* only; so that Mr. Templer has charged for salaries which he is not entitled to retain, and which he must pay over to the Chief Registrar's Fund, the sum of 80 *l.*

12. The sums which Mr. Templer must pay over to the Chief Registrar's Fund for the year 1862, are - - - - - - - - -

	£.	*s.*	*d.*
	10	11	4
	639	3	3
	80	–	–
Making together - - - £.	729	14	7

13. Second, the Return ending 11th October 1863.
Mr. Templer has received on account of bills of costs, in excess of the amount taken into account in the annual return, the sum of 50 *l.* 12 *s.* 5 *d.*

14. We find that Mr. Templer has retained as "payments" in his bills of costs, various sums which were not payments, and which he is not entitled to retain, and must pay over to the Chief Registrar's Fund, and which amount to the sum of 639 *l.* 5 *s.* 3 *d.*

15. A great

15. A great portion of this sum of 639 *l.* 5 *s.* 3 *d.* arises from Mr. Templer having retained as payments the charges for journeys, as mentioned in paragraph 6; for travelling expenses of assistants, as mentioned in paragraph 7; and for inventories, as mentioned in paragraph 8.

16. We find that Mr. Templer has retained the sum of 230 *l.* as paid for the yearly salaries of clerks, whereas, in fact, he paid to Mr. Harpham 180 *l.*, and to Mr. Holland, 46 *l.*; so that Mr. Templer has charged for salaries which he is not entitled to retain, and must pay over to the Chief Registrar's Fund the sum of 4 *l.* Mr. Templer says that Mr. Holland took the entire charge of the Registrar's books and returns to the Chief Registrar, and that the salary he paid to Mr. Holland was to discharge that duty; such duty is wholly foreign to the office of messenger, but we have allowed the 46 *l.* as a payment.

17. Mr. Templer has charged the sum of 75 *l.* for the travelling expenses of himself and assistant to attend the Court at Sheffield, whereas he expended 32 *l.* 0 *s.* 9 *d.* only, and we have disallowed the difference, being 42 *l.* 19 *s.* 3 *d.*

	£.	*s.*	*d.*
18. The sums which Mr. Templer must pay over to the Chief Registrar's Fund for the return of 1863, are - - - - - - - - -	50	12	5
	639	5	3
	4	–	–
Making together - - - £.	693	17	8

19. The bills of costs, from 11th October 1863 to the 11th April 1864, have not been dealt with in this report, not being yet included in an annual return, but some of these bills have been examined, and appear open to similar objections, and subject to similar deductions, as the bills which have been dealt with in this report.

20. All which we humbly report to your Lordship this 5th day of May 1864.

W. S. Ayrton,
R. P. Harding.

THE following Copy of the Bill referred to in Paragraph 9 of the Report of Mr. Commissioner *Ayrton* and Mr. *Harding*, shows, on the left-hand Column, such Difference as arises in that Bill.

The ESTATE of JOHN NEALE to the MESSENGER.

Taxed off		Fees.	Payments.
£. *s.* *d.*	1861:	£. *s.* *d.*	£. *s.* *d.*
	1st November. Attending Commissioner to adjudication; filling up warrants - - - -	– 10 –	—
	Serving adjudication - - - - - -	– 6 8	—
1 3 3	Mileage to Doncaster, 36 miles, at 10 *d.* - -	1 10 –	1 10 –
	The like of man, at 7 *d.* - - - - -	1 1 –	1 1 –
– 5 –	His expenses, one day - - - - - -	– 5 –	– 5 –
	Executing warrant of seizure at house and shop -	– 13 4	—
	The like at warehouse - - - - - -	– 13 4	—
– 10 –	Messenger's time and expenses - - - -	1 10 –	– 10 –
	Inventory of books and papers - - - -	– 10 –	—
	Preparing summons to surrender - - - -	– 6 8	—
	Serving same - - - - - - -	– 5 –	—
	Preparing advertisement of first meeting - -	– 6 8	—
– 1 8	Paid insertion, and "Gazette" - - - -	– 13 8	– 13 8
– 2 6	Extra dispatch - - - - - -	– 2 6	– 2 6
	13th November. Attending Commissioner to adjudication; filling up warrants, &c., a creditor's petition having been filed - - - - - -	– 10 –	—
	Serving adjudication - - - - - -	– 6 8	—
– 17 6	Mileage to Doncaster, 36 miles, at 10 *d.* - -	1 10 –	1 10 –
– 10 –	Messenger's time and expenses, one day - -	1 10 –	– 10 –

Appendix, No. 1.

The Estate of *John Neale* to the Messenger—*continued.*

Taxed off. £. s. d.		Fees. £. s. d.	Payments. £. s. d.
	Preparing summons to surrender	– 6 8	—
	Serving same	– 5 –	—
	Preparing advertisement of first meeting under second petition	– 6 8	—
	Paid insertion, and "Gazette"	– 4 –	– 4 –
1 10 –	Inventory of household furniture	1 10 –	1 10 –
5 – –	The like of stock in trade and fixtures	5 – –	5 – –
	Making copies thereof	—	—
	Possession from 1st November to 30th November, 30 days, at 5 *s.* a day	7 10 –	6 – –
	Fee on first meeting	– 5 –	—
	Paid carriage of books and papers	– 1 –	– 1 –
	Postages, parcels, and forms	– 3 –	– 3 –
– – 1½	Paid allocation stamp	– 7 8	– 7 8
		28 9 6	19 7 10
	Payments allowed	19 7 10	
10 – –	Fees £.	9 1 8	

Allowed at £.28. 9. 6.

January 1862. *Samuel Payne*, Registrar.

The following is the EXAMINATION of Mr. *Templer*, taken by Mr. Commissioner *Ayrton*, and Mr. *Harding* the Accountant.

MR. C. C. TEMPLER.

Q. How many years have you been Messenger at Leeds?—*A.* For 16 years next November.

What books do you keep?—I have a receipt book, and a memorandum book of payments; I keep no cash-book nor ledger.

How many men do you employ, and what are their names?—From eight to twelve; their names are Ella, Chadwick, Butterfield, Smith, France, Marsland, Kirk, Hall, Outhwaite, Waterhouse, Mellor, Gray, and Jones.

Do you keep any book which will show which of your men held possession under any particular estate, and which will accouut for the time of the men you have just mentioned?—No.

Do you allow what has been called "walking possession;" that is, when the bankrupt may have had more than one house or warehouse, and the same man has looked after both places, instead of two men being employed; if so, what charge do you make in your bills, and what sum do you actually pay?—I am not aware that this has occurred more than once since 1861, but if done, I should pay 6 *s.* instead of 8 *s.*

What authority or direction have you as regards taking or giving up possession?—From the official assignee general instructions to take possession in all cases; after the choice of creditors' assignee I take instructions from him.

If you find the assets small, say insufficient to pay rates and taxes in arrear, do you then hold possession?—No.

Do you pay your men fixed salaries, or do you pay them by the day when employed; and what do you pay them per day?—I do not pay them fixed salaries; I pay them 4 *s.* a day when employed.

Do you pay the exact sum charged for possession in every case?—Yes; if there are exceptions, I am not aware of them.

What is the meaning, in your annual return ending 11th October 1862, of "Clerks' salaries, Leeds and Sheffield, 230 *l.*"?—I paid my chief clerk 150 *l.* for that year, and that is all I paid in 1862; but in the succeeding year, 1863, where I have also charged 230 *l.*, I raised his salary to 180 *l.*, from the fact of having the Sheffield districts placed more immediately under my control; and I then (1863) engaged Mr. Holland at 1 *l.* per week; and I also in 1863 arranged with Mr. Birkinshaw that he should have 30 *l.* for his trouble in my cases at Sheffield if I could get it allowed; as my returns were being made at the same

same time, I arranged the above payments, and charged them over the two years at 230 *l.* each year.

Then how much did you actually pay for clerks' salaries in 1863?—I paid Mr. Harpham 180 *l.*, and Mr. Holland 52 *l.*

Have you actually paid those salaries?—Yes, all but Mr. Birkenshaw's.

Who has authorised or directed those salaries to be paid?—I do not think any one has authorised them; I have spoken to Mr. Commissioner West on the subject of Mr. Harpham's salary being 150 *l.* a year, and he did not think it too much for so responsible an office.

You charge 150 *l.* a year for Mr. Harpham's salary; do you ever put him into possession, and if so, how do you then pay him?—No, never.

As to inventories, do you, or did you ever employ a broker to take inventories since the new Act of 1861; and if so, who directed a broker to be employed?—I have employed two brokers at Sheffield, whose employment was brought under the knowledge of the Lord Chancellor, and by his desire discontinued. They were the old brokers, and I continued them without any authority, although I attempted to discontinue them, but met with the decided opposition of the solicitors and of Mr. Commissioner West and Mr. Payne.

Do you personally ever take inventories?—No.

Who then, in fact, made the inventories charged for in your bills?—Usually Mr. Harpham, and the man in possession. Occasionally I called in assistance, which has been charged for extra. At Sheffield, for the first year, the brokers would make inventories.

What governs the charge you have made for inventories?—The time occupied.

Have you a direction to make an inventory in particular cases, or a general direction to make one in every case?—I should say there is a general direction to make one always; but there are special cases, such as a draper's or ironmonger's, where before taking an inventory I consult the official assignee.

On the taxation of your bills, do you produce a voucher for every alleged payment?—No, I have never been called upon for vouchers.

Has every item charged in your bills, and allowed to you, been actually paid?—No.

Has the Registrar ever taxed off any items of your bills?—Not as a rule. It has been done in a few cases where there was an opposition.

Has the Registrar ever taken off anything from the sums claimed by you as payments?—No.

What is the form of allocatur signed for your costs?—The form is as follows:—

"Court of Bankruptcy at Leeds.

"In *Re* ————

"I have taxed and allowed the bill of costs of the Messenger to at the sum of £. being £. for fees due and £. for payments properly made.

"Samuel Payne, Registrar.

"January 1863.

	£.
Fees - - - - - -	
Payments - - - - -	
£.	

What deposits have you received from bankrupts, or others, in the years 1861-62, and 1862-63?—I produce a list thereof.

Have these deposits been applied in payment of particular bankruptcies under which they were paid?—They were not generally; one or two have.

Why were they not?—I cannot give any reason why they were not.

Does the head in your annual return "possession and travelling expenses by the messenger and his assistants," include anything not allowed in the various taxed bills?—Yes, it includes a sum of 75 *l.* a year for travelling by myself and Mr. Harpham to Sheffield, to attend the Court there.

Who ordered or authorised that attendance?—I considered that the Lord Chancellor required me to go; after that, question arose concerning the brokers; but I had attended before that.

Did you take all the journeys charged in your bills as journeys by yourself?—I did not take any of those journeys as a rule; but there were exceptional cases.

Do you not pay a subscription to the "Gazette" office, for which you are furnished with every "Gazette" published, and what is that subscription?—Yes; I pay from 5 *l.* 5 *s.* to 5 *l.* 15 *s.* a year, and charge 6 *d.*, the price of a "Gazette," with each advertisement.

Are any of the persons connected with this Court under pecuniary or other obligations to you, or have they been?—Mr. Payne has been under pecuniary obligations to me; I lent him 12 *l.* or 13 *l.*, I think, in 1857, and that is all; that has been repaid since this inquiry has commenced.

Charles C. Templer.

W. C. Ayrton.
R. P. Harding.

30 April 1864.

Appendix, No. 1.

REPORT as to RETURNS of Messenger, Mr. *Needell.*

To the Right Honourable the Lord High Chancellor.

1. IN pursuance of your Lordship's directions contained in a letter from the Chief Registrar of the Court of Bankruptcy, dated the 22d March 1864, that the accounts of the messengers should be investigated, we have examined the annual returns which Mr. T. W. Needell, Messenger of the Leeds Bankruptcy Court, made in 1862 and 1863 to the Chief Registrar, in pursuance of No. 15 of the General Orders in Bankruptcy, of the 14th October 1861.

2. We have thought it expedient to take some evidence from Mr. Needell in writing, and beg to refer thereto as part of this report.

3. We have examined, in Mr. Needell's presence, his annual returns, and the bills of costs on which the returns are founded, and the result is, that during the two years over which the returns extend, we find that Mr. Needell has retained the sum of 1,668 *l.* 15 *s.* 1 *d.*, which he ought to have paid over to the Chief Registrar's Fund, and which he must so pay over.

4. The details are as follows :—

First,—The Return of 1862.

We find that Mr. Needell has retained as "payments" in his bills of costs various sums which were not payments, and which he is not entitled to retain, but which he must pay over to the Chief Registrar's Fund, and which amount to the sum of 643 *l.* 0 *s.* 1 *d.*

5. The greater portion of this sum of 643 *l.* 0 *s.* 1 *d.* arises from Mr. Needell having made a constant practice of charging for journeys which he never took, but for which he has charged the full fee of 10 *d.* a mile, and retained the amounts as if actual payments out of pocket.

6. Mr. Needell has also made a constant practice of charging the travelling expenses of his assistants at the full fee charge of 7 *d.* a mile (which he was entitled to do as against the estate), and retaining the amounts as if the payments had been made out of pocket.

7. Mr. Needell has also made a constant practice of charging for and retaining as payments out of pocket, sums for making inventories, though these were (with few exceptions) made by his chief assistant, who is paid by a salary, or by the man in possession, who received 28 *s.* a week.

8. The nature of the sums improperly retained as "payments" will appear by a copy of a bill of costs sent herewith, as allowed by the Registrar, and as allowed by us, which is a fair specimen of these improprieties.

9. Mr. Needell has charged the sum of 85 *l.* for travelling expenses of himself and assistants to attend the Court at Hull, whereas he expended 7 *l.* 17 *s.* 6 *d.* only, and we have disallowed the difference, being 77 *l.* 2 *s.* 6 *d.*

10. We find that Mr. Needell has retained the sum of 250 *l.* as paid for the yearly salaries of clerks, viz., to Mr. Clarke, 150 *l.*; to Mr. Smith, at Hull, 52 *l.*; and to a junior clerk, 48 *l.*; whereas, in fact, he paid to Mr. Clarke 100 *l.* only, and the junior clerk 2 *l.* only; and the 52 *l.* paid to John Smith we disallow, on the grounds that it was a wholly improper and useless payment, and that during the time it was paid J. Smith was employed to take possession, for which Mr. Nedell has been allowed 3 *s.* 6 *d.* per day. So that Mr. Needell has charged for salaries which he is not entitled to retain, and must pay over to the Chief Registrar's Fund the sum of 148 *l.*

11. Mr. Needell has received on account of bills of costs, in excess of the amount taken into account in the annual return, the sum of 65 *l.* 17 *s.* 10 *d.*

12. The sums which Mr. Needell must pay over to the Chief Registrar's Fund for the return of 1862, are - - - - - - - - - £.

		643 – 1
		148 – –
	and	65 17 10
Making together the sum of - - -	£.	856 17 11

Second,—The Return for 1863.

13. We find that Mr. Needell has retained as "payments" in his bill of costs, various sums which were not payments, and which he is not entitled to retain, but must pay over to the Chief Registrar's Fund, and which amount to the sum of 617 *l.* 11 *s.* 7 *d.*

14. The greater portion of this sum of 617 *l.* 11 *s.* 7 *d.* arises from Mr. Needell having retained as payments the charges for journeys, as mentioned in paragraph 5, for travelling expenses of assistant, as mentioned in paragraph 6, and for inventories, as mentioned in paragraph 7.

15. Mr. Nedell has charged the sum of 85 *l.* for the travelling expenses of himself and assistant to attend the Court at Hull, whereas he expended 41 *l.* 1 *s.* 9 *d.* only, and we have disallowed the difference, being 43 *l.* 18 *s.* 3 *d.*

16. We find that Mr. Needell has retained the sum of 250 *l.*, as paid for the yearly salaries of clerks, viz., to Mr. Clarke, 150 *l.*; to Mr. Smith, at Hull, 52 *l.*; and to a junior clerk

clerk, 48 *l.*, whereas in fact he paid to Mr. Clarke 100 *l.* only, and to the junior clerk, 11 *l.* 17 *s.* only; and the 52 *l.* paid to Mr. Smith we disallow, for the reasons stated in paragraph 10; so that Mr. Needell has charged for salaries which he is not entitled to retain, and must pay over to the Chief Registrar's Fund, the sum of 138 *l.* 3 *s.*

17. Mr. Needell has received on account of bills of costs, in excess of the amount taken into account in the annual return, the sum of 56 *l.* 2 *s.* 7 *d.*

18. The sums which Mr. Needell must pay over to the Chief Registrar's Fund for the year 1863, are - - - - - - - - - - - £. 617 11 7

138 3 –

and 56 2 7

Making together - - - £. 811 17 2

19. The bills of costs from the 11th October 1863 to the 11th April 1864, have not been dealt with in this Report, not being yet included in an annual return, but these bills have been examined and appear open to similar objections, and subject to similar deductions as those bills which are included in this Report.

All which we humbly report to your Lordship this 2d day of May 1864.

(signed) *W. S. Ayrton,*
R. P. Harding.

The Estate of Augustus D. Lacy.

To Thomas Wallis Needell, Messenger.

Alleged Payments Disallowed. £. s. d.		Charges against the Estate. £. s. d.	Allowed by Registrar as Payments made. £. s. d.
	24 February 1863:		
—	Attending Registrar, &c. - - - - -	– 10 –	—
– *12* –	Mileage to Hanby, 35 miles, at 10 *d.* - - -	1 9 2	1 9 2
– *14 11*	The like for man, at 7 *d.* - - - - -	1 – 5	1 – 5
– *5* –	His expenses - - - - - - - -	– 5 –	– 5 –
—	Serving adjudication - - - - - -	– 6 8	—
—	Executing warrant at house - - - - -	– 13 4	—
—	The like on horse, cows, &c. - - - -	– 13 4	—
—	Taking inventory of books - - - - -	– 5 –	—
– *10* –	Time and expenses - - - - - -	1 10 –	– 10 –
– *2* –	Preparing summons, &c. - - - - -	– 5 –	– 2 –
—	Serving same - - - - - - -	– 6 8	—
—	Preparing advertisement for "Gazette" - -	– 6 8	—
—	Paid insertion - - - - - - - -	– 4 –	– 4 –
—	Preparing advertisement "Gazette of Bankruptcy"	– 3 4	—
—	Paid insertion, and "Gazette" - - - -	– 6 6	– 6 6
4 16 6	Mileage to Harpenden, 186 miles, at 10 *d.* - -	7 15 –	7 15 –
—	Executing warrant on machinery - - - -	– 13 4	—
– *10* –	Two days' time - - - - - - -	2 – –	– 10 –
1 – –	The like expenses - - - - - - -	1 – –	1 – –
2 2 6	Taking inventory of furniture, &c., at Haxby, and machinery at Harpenden - - -	2 10 6	2 10 6
– *14* –	Possession of house from 24 February to 23 March, 28 days, at 5 *s.* - - - - - -	7 – –	5 12 –
– *14* –	The like of machinery at Harpenden - - -	7 – –	5 12 –
—	Paid beds for man, 28 nights, at 6 *d.* - - -	– 14 –	– 14 –
	23 March:		
– *2* –	Meeting - - - - - - - - - -	– 5 –	– 2 –
—	Forms, postages, &c. - - - - - -	– 3 –	– 3 –
12 2 11	*Disallowed in respect of alleged Payments, 21 April 1864.* Stamps	37 5 11 – 10 2	– 10 2
		37 16 1	27 16 9
		27 16 9	*should be 28 5 9*
	Taxed and allowed at this 11th day of April 1863. - - - £.	9 19 4	

H. S. W., Registrar.

Mem.—The words and figures printed in *italics* were written with red ink in the original.

EXAMINATION of Mr. *T. W. Needell.*

Appendix, No. 1.

1. *Q.* How many years have you been Messenger at Leeds?—*A.* For 21 years last November.

2. What books do you keep?—A ledger, a deposit book, and a diary. I keep no cash-book. The ledger contains an account of the claims made by me against the several estates.

3. How many men do you employ, and what their names?—I employ about 11 men; their names are Crompton, Smith, Wilkinson, Thorne, Cawood, Waterhouse, Routh, MacGann, Burdon, Thompson, and Chapman (just dead).

4. Do you keep any book which will show which of your men held possession under any particular estate, and which will account for the time of the men you have just mentioned?—No.

5. Do you pay the exact sum charged for possession in each case?—Now, I do. I have all this year, except at Hull, where I pay 3 *s.* 6 *d.* Before this year I have paid 3 *s.* 6 *d.*

6. Do you allow what has been called "walking possession;" that is, where the bankrupt may have had more than one house or warehouse, and the same man has looked after both places, instead of two being employed; and if so, what charge do you make in your bills, and what sum do you actually pay?—Sometimes, but very seldom. In such cases I have made the full charge, but not very often. In such cases I pay the man for one possession, or 4 *s.* a day.

7. What authority or direction have you as regards taking or giving up possession?—Before the choice, I ask the official assignee; after the choice of creditors' assignees, I take their directions.

8. If you find the assets small, say insufficient to pay rates and taxes in arrear, do you then hold possession?—No.

9. Do you pay your men fixed salaries, or do you pay them by the day when employed, and what do you pay them per day?—I do not pay them by salaries, but I pay them 4 *s.* a day when employed, except Smith at Hull. I paid him a salary of 1 *l.* a week.

Do you pay the exact sum charged for possession in every case?—I am allowed to charge 5 *s.* a day each man, and am required to pay 4 *s.* a day. In some cases I have paid 3 *s.* 6 *d.* a day only. In one or two cases I have charged for possession when there was none in fact.

What is the meaning in your annual return of "Clerks' salaries, Leeds and Hull, 250 *l.*"?—It means my chief assistant or clerk at Leeds, Mr. Clarke, at 150 *l.* a year; John Smith, an assistant at Hull, at 1 *l.* a week, or 52 *l.* a year; and Walter Blackbarn, a lad employed as a clerk at Leeds, at 48 *l.* a year.

Have you actually paid those salaries?—I paid Mr. Clarke 100 *l.* a year only till March 1864, when I began to pay him at the rate of 150 *l.* a year, which I now pay; John Smith, I have paid 1 *l.* a week to; Blackbarn I have paid as follows: between October 1861 and October 1862, I paid him 2 *l.*; between October 1862, and October 1863, I paid him 11 *l.* 17 *s.*; from October 1863, to April 1864, I paid him 13 *l.* 15 *s.* 6 *d.*

Who has authorised or directed these salaries to be paid?—No one.

You charge 52 *l.* a year for John Smith's salary; do you put him into possession, and if so, how then do you pay him?—I sometimes put him into possession, and charge as if I paid him 4 *s.* a day, but I pay him only 1 *l.* a week.

You charge 1 *l.* a week, and 4 *s.* a day besides, when John Smith is in possession, but only pay him 1 *l.* a week?—Yes.

10. As to inventories; do you or did you ever employ a broker to take inventories since the new Act of 1861; and, if so, who directed a broker to be employed?—Never, as a rule; I believe I have done so once or twice.

Did you personally take inventories?—Never.

11. Who then, in fact, made the inventories charged for in your bills?—They were made by my chief assistant, Mr. Clarke, or by the man in possession, or both; additional assistance is in some cases required, and that is paid for, and has been charged for extra in my bills.

12. What governs the charge you have made for inventories?—The broker used to charge at the rate of 30 *s.* a day; I have charged about one-third of that.

Have you a direction to make an inventory in particular cases, or a general direction to make one in every case?—General direction from the official assignee to make one in every case; if I am not to make one, the official assignee tells me not.

On the taxation of your bills, do you produce a voucher for every alleged payment?—No, I have not been required; Mr. Wilde may ask for vouchers once or twice.

Has every item charged been actually paid?—Many items charged have not been actually paid.

Has the Registrar ever taxed off any items of your bills?—Once or twice, or perhaps more; Mr. Wilde has taxed off items, perhaps, in half a dozen cases.

Has

Has the Registrar ever taken off anything from the sums claimed by you as payments? —He has in one case; there may be two cases.

What is the form of allocatur signed for your costs?—It is in this form:

Court of Bankruptcy,
In Re ——— At Leeds.

I HAVE taxed and allowed the bill of costs of the messenger to ———, at the sum of eight pounds, eight shillings, and four pence, being 4*l*. 10*s*. for fees due, and 3*l*. 18*s*. 4*d*. for payments properly made.

H. S. Wilde,
6 February 1864. Registrar.

£.8. 8*s*. 4*d*.

What deposits have you received from bankrupts or others in the years 1861–2 and 1862–3?—I produce the list.

Have these deposits been applied in payment of the particular bankruptcies under which they were paid?—Yes, some of them, but not the whole.

Does the head in your annual return, "Possession and Travelling Expenses of the Messenger and his Assistants," include anything not allowed in the various taxed bills?—Yes, it includes a sum of 85*l*. a year, not in any bill, which I charge for travelling expenses for myself and my chief assistant, Mr. Clarke, travelling to Hull, to attend the sittings of the Court there.

Who has ordered or authorised this attendance?—No one, but I felt myself obliged to go, as a matter of duty.

Did you take all the journeys charged in your bills as journeys by yourself?—In 1861–2 I took four such journeys, that is, *In re* Forster, *In re* Wilks, *In re* Loadman, and *In re* Calverts. In 1862–3 I took two of such journeys, that is, *In re* Kemp and *In re* Taylor and Longbottom. I took no other journeys myself.

What means the sum of 40*l*. charged in your ledger in the accounts for 1861–2, for "Stationery, omitted by mistake, 40*l*.," which is added to the sum you claim?—I cannot explain it; it is a mistake of my junior clerk.

Do you not pay a subscription to the "Gazette" Office, for which you are furnished with every "Gazette" published, and what is the subscription?—Yes, I pay from 5*l*. 5*s*. to 5*l*. 15*s*. a year as near as possible, and I charge 6*d*. for a "Gazette" in addition to the price of each advertisement.

Are any of the persons connected with this court under pecuniary or other obligations to you, or have they been?—Mr. Wilde, the Registrar, owed me 25*l*. for eight or 10 years, and Mr. Payne, the Registrar, owed me 50*l*. for 10 or 11 years. They have both paid me since this inquiry began.

W. S. Ayrton. (signed) *Thos. Wallis Needell.*
R. P. Harding.

30 April 1864.

STATEMENT of Mr. *Wilde*.

To the Right Honourable the Lord Chancellor.

Leeds, 30 May 1864.

IN obedience to the directions of the Chief Secretary, I beg to enclose to your Lordship my explanation in reference to charges made against me in Reports forwarded by Mr. Commissioner Ayrton to the Lord Chancellor, on the subject of the Returns and accounts of the official assignees and messengers of the Leeds Courts.

And with respect to the first charge:—

That I certified that my Commissioner had had submitted to him, and had approved of accounts which he had never seen.

I beg, with respectful submission, to observe that I think I am not open to such charge. I did not certify that accounts were submitted to and approved by Mr. Commissioner Ayrton. I certified only to the fact beyond dispute: "That the reasonable office expenses had been previously submitted to and sanctioned by Mr. Commissioner Ayrton." I certified as I did, because the official assignee told me that the Commissioner had sanctioned and approved the items of "reasonable office expenses," whose honour and integrity had been unimpeached for the 11 years I had acted with him in the same Court; and he placed before me a document conclusively proving the fact of submission to and approval by the Commissioner of "reasonable office expenses," dated 8th April 1862, signed by Mr. Commissioner Ayrton, and a similar document was made and signed by the Senior Commissioner as a scale to regulate future "reasonable office expenses." True, in the Return so certified by me were, it seems, set out petty expenses, postages, stationery, &c. These were of a different character, and were taxed and passed as disbursements and

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charges on each estate, at the audit of official assignees' accounts before the Registrar, under Section 52 of 24 & 25 Vict. c. 134, the official assignee having been provided, as I was informed, with a scale to regulate such charges from the Chief Registrar, with whom I understood some arrangement was made as to their distribution. Had my attention been called to the fact that my certifying as I did could possibly mislead any one, I would not so have certified. The Chief Registrar to whom the Return was made was well acquainted with the two classes of "office expenses," well knowing the Commissioner had to sanction the items for reasonable office expenses, salaries, rent, &c., and that the Registrar passed and audited the petties; the Return, therefore, was not calculated to mislead him. This course was adopted on the other side of the Court, and our practice was uniform.

But with respectful deference and submission I venture here to submit that I had good ground to infer, from the silence of Mr. Commissioner Ayrton on the subject of the "Returns," that he, in fact, approved and sanctioned the mode adopted by the official assignee in making such Returns, and that substantially to the satisfaction of the Commissioner the official assignee had complied with the directions laid down in the 31st Section of the Act and the General Orders. I could not but suppose this, knowing the watchfulness of Mr. Commissioner Ayrton in seeing the officers of his Court duly perform their duties. If, therefore, I was wrong in certifying as I did, that "reasonable office expenses" had been submitted to and approved by Mr. Commissioner Ayrton, I considered certainly I should have his directions on the subject, or some explanation sought of me, before Reports were sent up to the Lord Chancellor, which, with no less surprise than sorrow, I found charged me with making a "statement which was not correct."

I understand Mr. Commissioner Ayrton now says the document signed by him, dated 8th April 1862, was never intended as a scale to regulate future "reasonable office expenses." That view is peculiar to the Commissioner, as all the other officers of the Court and the Senior Commissioner looked upon it as a permanent scale; but if that view be the correct one, the official assignee would have made no Returns, and under such circumstances I could not have expected that the Commissioner of my Court would have inquired into the omission, and I should have too gladly followed any directions he might have given; and, in conclusion upon this charge, I beg most solemnly to aver that, in certifying as I did, I was not purposely deceiving anyone, nor did I mean to convey that Mr. Commissioner Ayrton had had submitted to him, and had approved "accounts" which he had never seen.

As to the second charge, that I have been in the habit of taxing the bills of the messengers without calling for the production of vouchers for the sums alleged to have been paid by them, I beg respectfully to observe, that though I placed great confidence in the messenger, I did occasionally ask for vouchers when I considered that they could and should be produced. I followed the practice of taxation established when I came to the Court, and no intimation was ever made to me that that mode was improper; and in order to prevent miscarriage in any taxation arising from error or mis-statement of the messenger, I told him upon either appearing I should consider the taxation re-opened. I have occasionally challenged items in his bills, and I especially warned him as to salaries and wages of men in possession. The practice of the two Courts was similar, and Mr. Payne, my old and sagacious colleague, for safe conduct in taxation under the new Bill, sent up a bill to be taxed by the head taxing officer in London, our authority on such subjects, who returned it taxed with a letter of instruction: that model bill and letter of instruction I endeavoured to make my rule in taxing. Under the new Bill, section 108, the registrar is relieved from much responsibility in taxing the messengers' bills, for the messenger is put immediately under the direction and control of the official assignee, by whose authority he takes possession, &c. The registrar therefore would have every reason to suppose the work alleged to have been done had been really so. Under Rule 12 of General Orders he is to act as the "deputy" of the official assignee, and the 14th rule requires him to make account of fees, &c., to the official assignee. Provision also was made for quarterly and annual returns, which, had they been made and required, the unfortunate mistakes which have been made would have been prevented.

The Bill being a new one, with many provisions, the rules and orders many, which with directions from the chief secretary, and also from the head taxing officer, I trust will be considered in weighing the errors of the officers who had to act under it. I am in nowise desirous of casting any increased blame on my old experienced, and I may say sagacious colleague, Mr. Payne, nor to relieve myself, at his expense, of any censure attaching to me; but I believe he sincerely endeavoured to procure right instructions, and to adopt a proper mode of taxation, and I own I thought I was more safe in following the manner and scale of taxation as approved by him than to adopt a different one selected by myself. As junior, I always adopted the taxation of the senior Court, and I deeply lament it has led to so much miscarriage.

I certainly considered that some discretion was intended to be left with the taxing officer, for by the words of the 32d section he was to decide what are "reasonable" payments; and again, under the 14th rule of General Orders, he has to certify as to "payments proper to be allowed," that discretion being further regulated by the directions of the head taxing officer in London. What might, under such circumstances, be considered reasonable was matter of judgment and opinion, and an error in either I hope will not be considered a criminal act.

And I beg most truthfully to assert that I had no purpose, and certainly no intention,

to aid or allow the messengers to take more than that to which they were entitled. And I beg respectfully to observe that the engagement I made with the messenger in my Court to re-open any taxation in which error should appear, abundantly justifies the correction of those mistakes which have occurred; and the mode of taxation I did adopt seemed to me to be sanctioned by that followed by the Commissioner of my Court on occasions when the messenger's bills were before me.

As to the third charge, that of borrowing money both of the official assignee and the messenger, and thereby destroying my independence and efficiency, I am exceedingly sorry, in this respect, that I have done acts calling down upon me the Chancellor's censure.

The 25 *l.* I had of the messenger, it seems, many years ago; I had it when called in haste to Paris. I purposed repaying it on my return; I did not see him for some time afterwards, and it escaped my memory, otherwise I should not have allowed it to remain unpaid.

As to the loan from Mr. Carrick, I had it some years ago to enable me to meet the exigencies of a sudden loss; and I did not know that our official connection necessarily debarred us from exercising the usual privileges of friendship; and I hope I may be allowed as respectfully and as truly to say, that I have not intentionally been guilty of any dereliction of duty in any of my official transactions with the official assignee. I, however, yielded immediately with respectful deference and submission to the opinion of the Lord Chancellor on such loans, and as soon as I was made acquainted with it I released myself from my pecuniary obligations; and in conclusion I beg most solemnly to declare that I have never allowed improper influences to control my official conduct; and I sincerely regret the acts which have called down upon me the Lord Chancellor's censure, which if amounting to offences, I hope, under the circumstances, may be considered rather as offences of omission than of commission; for I never intended in any way to aid any officer of the Court improperly to be allowed large sums of money, nor have I by any means knowingly sanctioned any official assignee or any messenger wrongfully to obtain such sums of money, nor did I know that they were so retaining them.

The statement of me,

H. S. Wilde,
Registrar of the Court of Bankruptcy for the Leeds District.

Mr. *Miller* to Mr. *Wilde.*

Dear Sir, Court of Bankruptcy, 9 June 1864.

I SEND you copies of the report and examinations as to the taxation of bills of costs in the Leeds Court.

Yours, &c.

H. S. Wilde, Esq. (signed) *J. F. Miller.*

REPORT by Mr. Commissioner *Ayrton.*

To the Right Honourable the Lord High Chancellor.

REPORT as to the Manner in which the Taxation of Costs has been conducted in the Leeds District Court of Bankruptcy.

IN pursuance of your Lordship's Order dated the 20th of May 1864, directing me to inquire into the manner in which the taxation of costs by the registrars at Leeds has been conducted:

As regards solicitors' bills:

I find that the solicitors' bills have always been examined and taxed by both of the registrars, Mr. Payne and Mr. Wilde.

But such taxation has been conducted in a careless and unskilful manner.

The result is, that (as a general rule, to which there are exceptions) the solicitors practising in this Court have received considerably more from bankrupts' estates than they would have received if their bills had been properly taxed.

As regards the messengers' bills:

I find that neither of the registrars has taxed off anything from any of the messengers' bills, save in a few rare instances, though a slight examination would have made known to the registrars that numerous sums were improperly charged against the estates as "fees."

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I find that neither of the registrars has ever disallowed anything from the sums claimed to be retained as "payments" (save in a few instances where there was opposition), though a slight examination would have made known to the registrars that numerous sums were improperly claimed to be retained by the messengers as "payments."

The registrars have signed allocaturs certifying separately the amount of "fees" proper to be allowed as against the estate, and the amounts of "payments" proper to be retained by the messenger, pursuant to No. 14 of the General Orders of 12th October 1861, which ought to have drawn their attention to the subject of sums retained as "payments."

Neither of the registrars required the messengers to produce vouchers for payments or alleged payments.

The result is that the messengers have been allowed numerous fees which ought not to have been allowed as against bankrupts' estates, and they have been allowed to retain large sums of money as "payments" which they ought to have paid over to the chief registrar's account, the details of which have already been reported to your Lordship.

Mr. Payne admits that he did not tax the messenger's bills, did not examine whether the sums claimed as payments were actually paid, and did not require vouchers, but he states in extenuation that he had confidence in the messenger, Mr. Templer.

Mr. Wilde states that he did challenge the journeys charged in Mr. Needell's bills, that he did put questions and require vouchers.

But having inspected the bills of costs, and examined Mr. Needell, I can come to no other conclusion than that Mr. Wilde has signed the bills as taxed, as a matter of course, without any taxation in fact, and never as a rule required vouchers.

If Mr. Wilde did properly inspect the bills of Mr. Needell, and knowingly allowed the improper fees and sums claimed as payments without taxing them off, and disallowing them, then he would have been guilty of misconduct of a very grave kind.

For instance, in every bill where the bankruptcy was not in Leeds or at Hull, Mr. Needell charges a journey for himself at 10 *d.* a mile, and for his assistant at 7 *d.* a mile. If Mr. Wilde had duly inspected the bills, he could not have allowed both the messenger and his assistant to take a journey in every instance, the fact being that (with a few exceptions) the messenger took none of the journeys.

Mr. Wilde refers to a letter from Mr. Lucas (late taxing master of the Court of Bankruptcy) and a model bill sent by him to Leeds; but that letter says, the charge for the messenger's journeys is only to be allowed when "the messenger is expressly directed by the Commissioner to execute the warrant in person;" but Mr. Needell never took the journeys, and of course never had the Commissioner's direction, yet Mr. Wilde has allowed every one of these journeys.

Mr. Payne has been under pecuniary obligations to Mr. Ayrton, Commissioner to the two official assignees, and the two messengers, and to some solicitors of the Court, as stated in his examination.

An examination of the solicitors' bills has made apparent that Mr. Payne has on one occasion received a fee of 5 *l.* 11 *s.* 9 *d.* for deciding a point referred to him by Mr. Commissioner West, as admitted in Mr. Payne's examination.

Mr. Wilde has been under pecuniary obligations to Mr. Carrick, official assignee, and to Mr. Needell, messenger, as appears by Mr. Wilde's examination.

This report is confined to solicitors' bills and messengers' fees, since the Bankruptcy Act, 1861.

I have taken the examination of S. Payne, Esq., and H. S. Wilde, Esq., Registrars, and of Mr. T. Needell, messenger, and beg to refer thereto as part of this report.

All which I humbly report to your Lordship.

W. S. Ayrton.

3 June 1864.

EXAMINATION of *Samuel Payne*, Esq., one of the Registrars of the Leeds District Court of Bankruptcy.

Q. How long have you been Registrar at Leeds?—*A.* Since 1842.

What are your days and hours for attendance at Court?—Till lately, Wednesday, Thursday, and Friday, at Leeds; Saturday, at Sheffield. Hours from 10 to 1, and later if business required.

How far from the Court do you reside?—Ten miles from Leeds.

At what hours in the morning do the trains from where you reside arrive at Leeds?—Trains arrive at Leeds at 10, and other times; afterwards, they depart at 1, and 1.30, 4.45, and 5.

An examination which has been made of the messenger's bills, shows that nothing has ever been taxed off (save where there has been opposition), and in no instance has anything been disallowed from the sums claimed to be retained as payments, though such claims were manifestly improper; have you any explanation to offer?—I relied on the messenger making such charges only as were proper.

Is it not the especial duty of the taxing officer to ascertain that the fees and charges are proper, and to tax off or disallow such as are improper?—Certainly.

The messenger has been allowed to charge for numerous journeys which he did not take,

take, and he has been allowed to retain the sums charged as if actual payments; have you any explanation to offer?—The same explanation as the preceding.

The messenger has continually been allowed to retain, as if actual payments, the full sums charged as fees per mile for the journeys of his assistants; have you any explanation to offer?—I did not contemplate his keeping more than he paid out of pocket.

If you had looked into his bills, and asked questions, must you not have discovered that he actually claimed to retain as "payments" more than he paid?—Yes, certainly.

Then is it a fact that you signed the bills as taxed, and that you signed the allocaturs, certifying to the sums proper to be retained as payments, without in fact taxing or ascertaining what sums were actually paid?—Yes, that is the fact.

Did you require the messenger to produce vouchers to verify his payments?—No.

No. 16 of the General Orders of the 12th October 1861 says, it shall be the duty of the messenger to make the inventories; he has nevertheless been allowed to make a practice of retaining for his own use the fees charged for inventories; have you any explanation to offer?—The same explanation as before.

Are you under any pecuniary or other obligation to any person connected with this Court, or have you been, and how lately; what amount?—I am now under obligation to Mr. Carrick, one of the official assignees of this Court, to the extent of 500*l.*, which he lent me about three years ago, and to none else. Till lately, I owed Mr. Needell, a messenger, 50*l.*, and Mr. Templer, a messenger, 8*l.* I have now and then borrowed sums on my cheque, 20*l.* at a time, from Mr. Ayrton, but have always duly paid.

Are you under any pecuniary obligation to any solicitor practising in this Court, or have you been, and how lately; what amount?—I am not now; I have not been within the last three years. Before that, Mr. Simpson has now and then cashed my cheque for 20*l.* or so, for two or three weeks or a month, till my salary became due; such sums have been always duly paid to him.

Besides Mr. Simpson, have you borrowed money of such solicitors above three years ago; if so, of whom, how often, and to what amount?—I have of Mr. Cariss and Mr. Naylor, as temporary loans, always repaid to amount of 20*l.*, none other.

When any point has been referred to you by the Court, or the parties, have you ever taken any fee for your decision; how much; how often; what authority?—Yes; on 13th October 1861, *in re* Hartley, I took a fee of 5*l.* 13*s.* 9*d.* for deciding a point so referred to me; I sat three days upon this reference, and was attended by Mr. Bond and Mr. Ford; and I sat on extra days, not days of my official duty; I prepared my award, which was on an important matter. I did not make nor demand any fee; the solicitors sent to me what they pleased, and it included the preparation of the award, &c.; I considered it a private reference under the Commissioners' sanction, not as in discharge of my official duty.

Have you ever taken a fee for sitting to examine witnesses, or for attending a sale, or a taking a mortgage account, or any other occasion not before mentioned; how much; how often; what authority?—No.

Samuel Payne, Registrar.

W. S. Ayrton,
31 May 1864.

THE EXAMINATION of *Henry Sedgwick Wilde*, Esq., one of the Registrars of the Leeds District Court of Bankruptcy.

Q. How long have you been Registrar at Leeds?—*A.* Since 1851.

What are your days and hours for attendance at Court?—Till the late changes, four days a week on the average, and five occasionally.

How far from the Court do you reside?—About 10 miles; it is seven and a half miles, I find.

At what hours in the morning do the trains, from where you reside, arrive at Leeds?—Arrive at 9.50.; depart at 1.30 and 5. There is a train at 8.45.

An examination which has been made of the messenger's bills, shows that nothing has ever been taxed off (save where there was opposition), and in no instance has anything been disallowed from the sums claimed to be retained as payments, though such claims were often manifestly improper. Have you any explanation to offer?—I find three bills where there has been taxation, and without opposition.

The question is repeated as regards the remainder, or beyond those three bills?—Not knowing what the items are which are said to be manifestly improper, I admit that I have not taxed off or disallowed anything except as above.

Is it not the especial duty of the taxing officer to ascertain that the fees and charges are proper, and to tax off, or disallow such as are improper?—Yes; but the rules and orders and Act of Parliament are difficult to understand, to ascertain what are proper allowances and fees.

The messenger has been allowed to charge for numerous journeys which he did not take, and he has been allowed to retain the sums charged as if actual payments; have you any explanation to offer?—My explanation is, that I have challenged those journeys, and I was told that they were taken.

The messenger has continually been allowed to retain, as if actual payments, the full sums charged as fees per mile for the journeys of his assistants; have you any explanation

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to offer?—I followed, as I believed, a rule laid down by Mr. Lucas, taxing master in London.

What rule is that; will you produce some evidence of it?—I produce a copy of a letter and model bill.

If you had looked into the messenger's bills, and asked questions, must you not have discovered that he actually claimed to retain as "payments" more than he paid?—Generally not; the payments he said he made I allowed, regulating myself with Mr. Lucas's directions.

Then is it a fact that you signed the bills as taxed, and that you signed the allocaturs, certifying to the sums proper to be retained as payments, without in fact taxing or ascertaining what sums were actually paid?—Certainly not.

Did you require the messenger to produce vouchers to verify his payments?—I did when I thought they were required.

No. 16 of the General Orders of the 12th of October 1861 says it shall be the duty of the messenger to make the inventories; he has nevertheless been allowed to make a practice of retaining for his own use the fees charged for making inventories; have you any explanation to offer?—I allowed this under direction of Mr. Lucas's letter, who I considered gave me a discretion on the subject.

Did Mr. Lucas's letter say the messenger might retain more than he paid for the inventories?—I inferred that the letter did give a discretion to allow more than mere money paid out of pocket.

Are you under any pecuniary or other obligation to any person connected with this Court?—No, not now; till lately I owed Mr. Needell, messenger, 25 *l.*, and 130 *l.* to Mr. Carrick, official assignee.

Are you under any pecuniary obligation to any solicitor practising in this Court?—Certainly not, nor have I been.

Have you ever taken fees or sums of money for anything done by you as Registrar?—I did at one time, but that was settled with Lord Campbell, who acquitted me of any wrong intent; I have never received any fee since.

Have you ever made orders without the sanction or order of the Commissioner, for your attendance at places within your district?—Certainly not.

Have you ever attended at gaol at other days than the regular monthly visitations appointed by the Commissioner?—Certainly not.

When any point has been referred to you by the Court or the parties, have you ever taken any fee for your decision?—Certainly not.

(signed) *H. S. Wilde.*

W. S. Ayrton, 31 May 1864.

COPY LETTER and MODEL BILL referred to by Mr. *Wilde* in his Evidence.

My dear Sir, Court of Bankruptcy, 3 December 1861.

I HAVE gone through and taxed the messenger's bill you sent me for that purpose. You will perceive by the 14th General Order the taxing officer is required to certify separately the amount of allowance for fees and that for payments, consequently the bill must be made out in double columns to distinguish one from the other. I have done that with the inclosed bill, and you will find I have kept the fees in the first column and the payments in the second.

With regard to the charges, they seem to be pretty much in accordance with the old scale of allowance. The mileage or travelling expenses, although in all probability amounting to somewhat more than was really paid, I have considered as a payment. The messenger's time and expenses, 1 *l.* 10 *s.*, I have considered partly as a fee; (1 *l.*) for time, and partly (10 *s.*) a payment for expenses; but this charge is only allowed when the messenger is expressly directed by the Commissioner to execute the warrant in person. I have deducted 2 *s.* 8 *d.*, the price of "Gazette," which is never allowed here as against the estate.

The inventories are only to be allowed when directed to be taken by the official assignee. The amount allowed must be in the discretion of the taxing officer, having regard to the time occupied and the nature of the property, and the charge should include copies for the official assignee and to file with the proceedings.

The charge for possession, at 5 *s.* per day, I have divided into 4 *s.* payment and 1 *s.* fee.

The form of allocatur, as I intend giving it (for I have given none yet) I enclose. As to who is to pay the bill after it has been taxed, if there is any estate, of course it must be paid thereout; if not, I presume the messenger must be left to his remedy against the petitioner.

The messengers here refuse to insert advertisements, or make any payments in doubtful cases, without a deposit on account; and the Commissioners here have sanctioned such practice.

I am, &c.

S. Payne, Esq. (signed) *Jno. Lucas.*

THE ESTATE of *James Taylor*.—To the Messenger.

Taxed off. £. s. d.		Fees. £. s. d.	Payments. £. s. d.
	15th October 1861, attending Commissioner to adjudication, filling up warrants, &c.	– 10 –	—
	Serving adjudication	– 6 8	—
	Mileage to Bell Busk, 36 miles, at 10 *d.*	1 10 –	1 10 –
	The like of man, at 7 *d.*	1 1 –	1 1 –
	His expenses, one day	– 5 –	– 5 –
	Special conveyance to Hanlith and Bell Busk, and back	– 10 –	– 10 –
	Executing warrant of seizure at house	– 13 4	—
	The like upon stock and farming implements	– 13 4	—
	Messenger's time and expenses, one day	1 10 –	– 10 –
	Inventory of books and papers	– 5 –	—
	Paid carriage of same to station	– 2 –	– 2 –
	Preparing summons to surrender	– 6 8	—
	Serving same	– 5 –	—
	Preparing advertisement of first meeting for "Gazette"	– 6 8	—
– 2 8	Paid insertion and "Gazette"	– 13 8	– 13 8
	Extra dispatch	– 2 6	– 2 6
	Inventory of household furniture	1 1 –	1 1 –
	The like of farm stock, implements, &c.	1 11 6	1 11 6
– 5 –	Two copies of inventories	– 5 –	– 5 –
	Possession (James Ella) from 15th to 31st October, 17 days, at 5 *s.* a day	4 5 –	3 8 –
	Fee on first meeting	– 5 –	—
	Preparing advertisement of last examination and discharge	– 6 8	—
	Paid insertion and "Gazette"	– 4 –	– 4 –
	Fee on second meeting	– 5 –	—
– 3 –	Postages, parcels, and forms	– 3 –	– 3 –
– – 1	Paid allocatur stamp	– 5 2	– 5 2
	£.	17 13 2	11 11 10
	Taxed off	– 10 9	
	Allowed £.	17 1 5	
	Payments	11 11 10	
	Fees £.	5 10 7	

4th December 1861. Allowed at 17 *l.* 1 *s.* 5 *d.*

(signed) *Samuel Payne*, Registrar.

THE EXAMINATION of Mr. *Thomas Wallis Needell*, one of the Messengers of the Leeds District Court of Bankruptcy, taken 1 June 1864.

IN your examination before me in April last you were asked this question, "On the taxation of your bills do you produce a voucher for every alleged payment?" To which you answered, "No; I have not been required. Mr. Wilde may have asked for vouchers once or twice." Mr. Wilde having been examined before me on the 31st day of May last was asked this question, "Did you require the messenger to produce vouchers to verify the payments?" To which he answered, "I did when I thought they were required." I now ask you did Mr. Wilde, on the taxation of your bills since 11th October 1861, require you to produce vouchers more than once or twice?—No; I do not recollect that he did.

Mr. Wilde was also asked this question, "The messenger has been allowed to charge for numerous journeys which he did not take; and he has been allowed to retain the sums charged as if actual payments; have you any explanation to offer?" To which Mr. Wilde answered, "My explanation is, that I have challenged those journeys, and I was told that they were taken." I now ask you, did you tell Mr. Wilde that you had taken the numerous journeys which have been disallowed by myself and Mr. Harding, on your admission to us that you had not taken such journeys?—No; I never did tell Mr. Wilde that I had been where I had not.

(signed) *Thomas Wallis Needell.*

W. S. Ayrton.

Appendix, No. 1.

Mr. *Wilde* to Mr. *Miller*.

Sir, 21, College Hill, London, E. C., 29 July.

I BEG to enclose petition duly signed.

Yours, &c.
(signed) *H. S. Wilde.*

J. F. Miller, Esq.

To the Right Honourable the Lord High Chancellor of Great Britain.

The Humble Petition of *Henry Sedgwick Wilde*, one of the Registrars of the Court of Bankruptcy for the Leeds District,

Sheweth,

THAT your petitioner was appointed a registrar of the Court of Bankruptcy for the Leeds district in the year 1851.

That by the 33d section of the Bankruptcy Act, 1861, it is provided that your Lordship may, on a petition presented for that purpose, order that an annuity be paid to any registrar of the Court of Bankruptcy, not exceeding two-thirds of his salary, to be paid out of the Chief Registrar's account when such person shall have served in such office for the full period of 20 years, and shall be above 65 years of age, or who shall have been appointed to such office in or previous to the year 1832, and shall be desirous of retiring; or if such person shall, before the period of 20 years' service is completed, be afflicted with any permanent infirmity disabling him from the due execution of his office.

That your petitioner has for sometime past been afflicted with a failure in his sight, and that the same has now become so serious that he is no longer able satisfactorily to perform the duties of his office, as appears by the certificate of Samuel Hey, a Fellow of the Royal College of Surgeons, practising at Leeds, hereunto annexed, and is consequently desirous of retiring.

Your Petitioner therefore humbly prays that he may be at liberty to retire from the office of registrar of the Court of Bankruptcy for the Leeds district, and that your Lordship will be pleased to order that an annuity, equal to two-thirds of his salary of 1,000 *l.*, be paid to him out of the monies standing in the name of the accountant in bankruptcy to the account intituled, "The Chief Registrar's Account," according to the provisions of the 33d and 34th sections of the Bankruptcy Act 1861.

And your petitioner will ever pray, &c.

(signed) *H. S. Wilde.*

I, HENRY SEDGWICK WILDE, one of the Registrars of the Court of Bankruptcy for the Leeds District, the Petitioner named in the Petition hereunto annexed, make oath and say, that the several allegations in the said petition are true.

(signed) *H. S. Wilde.*

Sworn at 25, College Hill, in the City of London,
the 29th day of July 1864,

Before me,

(signed) *Geo. Hensman.*
A London Commissioner to Administer
Oaths in Chancery.

Leeds, 28 July 1864.

I HEREBY certify, that I have been consulted by Mr. Henry S. Wilde on account of a failure in his sight, which was a serious hindrance to him in the performance of the duties of his office.

Mr. Wilde first consulted me in August 1863.

At his age, I cannot look for any improvement in his vision.

(signed) *Samuel Hey*, F.R.C.S.

Mr. *Wilde* to Mr. *Miller*.

21, College-hill, London, E.C.,
30 July 1864.

Sir,

Not having heard from you, I propose returning to Leeds this afternoon, unless otherwise instructed by you; thanking you for the expression of your sympathy in the misfortune which has overtaken me,—

I remain, &c.
(signed) *H. S. Wilde.*

To J. F. Miller, Esq.

Lord Chancellor.—In Bankruptcy.

Saturday, the Thirtieth day of July, One thousand Eight hundred and Sixty-four.

In the Matter of *Henry Sedgwick Wilde*, one of the Registrars of the Court of Bankruptcy, acting in the Leeds District, and in the Matter of the Chief Registrar's Account.

Whereas, the above named Henry Sedgwick Wilde hath preferred his petition to me, stating that he was appointed a registrar of the Court of Bankruptcy for the Leeds district in the year 1851; that, by section 33 of the Bankruptcy Act, 1861, it is provided that the Lord Chancellor may, on a petition, presented to him for that purpose, order that an annuity be paid to any registrar of the Court of Bankruptcy not exceeding two-thirds of his salary, to be paid out of the Chief Registrar's account, when such person shall have served in such office for the full period of twenty years, and be above sixty-five years of age, or be afflicted with any permanent infirmity disabling him from the due execution of his office; that he had for sometime past been afflicted with a failure in his sight, and that the same had become so serious that he is no longer able satisfactorily to perform the duties of his office, and praying that he may be permitted to retire, and that I should be pleased to award him such an annuity aforesaid. Now, upon reading the said petition and the affidavit made in support thereof, and the medical certificate therein referred to, and by virtue of the 33d section of the Bankruptcy Act, 1861, and of every authority vested in me, I do hereby give leave to the said Henry Sedgwick Wilde to retire from his said office of registrar as and from this day. And I do order that the Accountant in Bankruptcy, out of the monies and securities standing in his name at the Bank of England to the credit of the account, intituled, "The Chief Registrar's Account," and by draft drawn on the Bank of England for the purpose, do forthwith pay to the said Henry Sedgwick Wilde the sum of 51 *l.* 14 *s.* 9 *d.*, being the proportionate part of his salary of 1,000 *l.* per annum, which has accrued due from the 11th day of July last. And I do order that thenceforth an annuity of 666 *l.* 13 *s.* 4 *d.*, being a sum not exceeding two-thirds of his said salary, be paid to the said Henry Sedgwick Wilde for the term of his life out of the said Chief Registrar's account; and that, on the 11th day of October next, such Accountant do pay to him the sum of 132 *l.* 4 *s.* 11 *d.*, being the proportionate part of such annuity which will have accrued due on that day; and that from and after the 11th day of October next the said annuity of 666 *l.* 13 *s.* 4 *d.* be paid, by quarterly payments, on the 11th day of January, the 11th day of April, the 11th day of July, and the 11th day of October in every year, the first of such quarterly payments being made on the 11th day of January next. Provided always, that the payment of such annuity is to be subject to the provisions of the 34th section of the Act, 1861, and to proof being given from time to time to the Accountant in Bankruptcy by affidavit that the said Henry Sedgwick Wilde has not been appointed to or accepted, and is not in the receipts of the salary of any other public office.

J. F. Miller, Chief Registrar,
19 May 1865.

(signed) *Westbury*, C.

Appendix, No. 2.

Appendix, No. 2.

COPY of APPOINTMENT of Mr. *P. R. Welch*, as Registrar of the Court of Bankruptcy for the Leeds District.

LORD CHANCELLOR.—IN BANKRUPTCY.

Saturday, the Thirtieth day of July, One thousand Eight hundred and Sixty-four.

WHEREAS, by section 8 of "The Bankruptcy Act, 1861," it is enacted, that the persons discharging the duties of Chief Registrar, Registrar's Taxing Master, and Official Assignees of the Court of Bankruptcy in London, and in the several District Courts of Bankruptcy, shall retain and hold office during good behaviour, subject to dismissal by the Lord Chancellor, by order, for some sufficient reason to be set forth in such order, and that upon any vacancy in the office of Registrar, such vacancy shall be filled up by the Lord Chancellor. And whereas a vacancy has occurred in the office of one of the Registrars in the country, by the retirement of Henry Sedgwick Wilde, Esq., one of the Registrars of the Leeds District Court: Now, in pursuance of the aforesaid Act, and by virtue of every authority vested in me, I do order that the said vacancy be filled up. And I do hereby appoint Patrick Robert Welch, Esq., barrister-at-law, to be a Registrar of the Court of Bankruptcy, to act in the country, in the place of the said Henry Sedgwick Wilde. And I do attach the said Patrick Robert Welch, to the Court for the Leeds District.

(signed) *Westbury*, C.

Appendix, No. 3.

Appendix, No. 3.

LETTER of Acknowledgment from Mr. *R. Bethell* to Mr. *Welch*.

My dear Welch,

I HAVE not replied to your former letters, because I am really annoyed at your troubling me in the way you do. Nobody knows better than you do my present circumstances, how impossible it is for me to make any re-payments, as I do not know from one day to another what course my creditors may take. I am sorry that the opposition to the Bill is such a costly affair, but I cannot assist you; there can be no possible dispute between us as to the amount of liability; but to relieve your mind (which is much more punctilious than it used to be), I owe you 1,050 *l.* money advanced, and some day or other I will either pay it, or at all events give you some sort of security; but at present I do expect you not to bother me. I assure you I am harassed to death.

Yours, &c.
(signed) *R. Bethell.*

My Address will be
43, Sussex Gardens, Hyde Park.